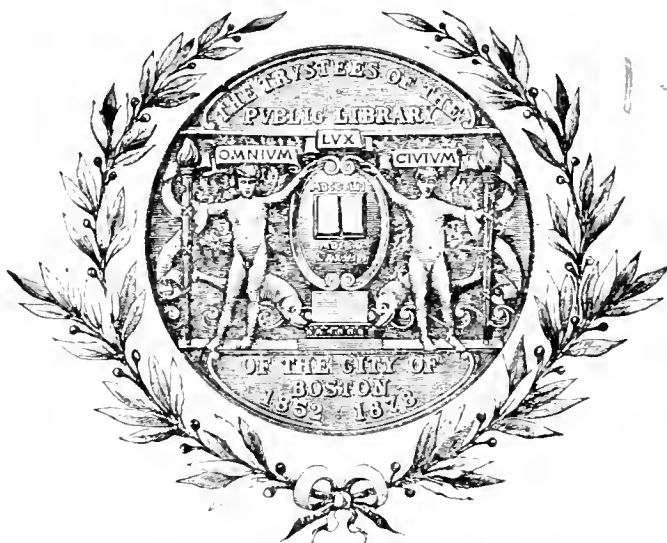


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**SPECIAL SENATE INVESTIGATION ON CHARGES
AND COUNTERCHARGES INVOLVING: SECRE-
TARY OF THE ARMY ROBERT T. STEVENS, JOHN
G. ADAMS, H. STRUVE HENSEL AND SENATOR
JOE McCARTHY, ROY M. COHN, AND
FRANCIS P. CARR**

HEARING
BEFORE THE
SPECIAL SUBCOMMITTEE ON
INVESTIGATIONS OF THE COMMITTEE ON
GOVERNMENT OPERATIONS
UNITED STATES SENATE
EIGHTY-THIRD CONGRESS
SECOND SESSION
PURSUANT TO
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PART 12

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SPECIAL SENATE INVESTIGATION ON CHARGES AND
COUNTERCHARGES INVOLVING: SECRETARY OF THE
ARMY ROBERT T. STEVENS, JOHN G. ADAMS, H. STRUVE
HENSEL AND SENATOR JOE McCARTHY, ROY M. COHN,
AND FRANCIS P. CARR

THURSDAY, APRIL 29, 1954

UNITED STATES SENATE,
SPECIAL SUBCOMMITTEE ON INVESTIGATION OF THE
COMMITTEE ON GOVERNMENT OPERATIONS,
Washington, D. C.

AFTER RECESS

(The hearing was resumed at 2:40 p. m., pursuant to recess.)

Present: Senator Karl E. Mundt, Republican, South Dakota, chairman; Senator Everett McKinley Dirksen, Republican, Illinois; Senator Charles E. Potter, Republican, Michigan; Senator Henry C. Dworshak, Republican, Idaho; Senator John L. McClellan, Democrat, Arkansas; Senator Henry M. Jackson, Democrat, Washington; and Senator Stuart Symington, Democrat, Missouri.

Also present: Ray H. Jenkins, chief counsel to the subcommittee; Thomas R. Prewitt, assistant counsel; and Ruth Y. Watt, chief clerk.

Principal participants: Senator Joseph R. McCarthy, a United States Senator from the State of Wisconsin; Roy M. Cohn, chief counsel to the subcommittee; Francis P. Carr, executive director of the subcommittee; Hon. Robert T. Stevens, Secretary of the Army; John G. Adams, counselor to the Army; H. Struve Hensel, Assistant Secretary of Defense; Joseph N. Welch, special counsel for the Army; James D. St. Clair, special counsel for the Army; Frederick P. Bryan, counsel to H. Struve Hensel, Assistant Secretary of Defense.

Senator MUNDT. May the Chair say the reason for the slight delay is that we have received word from the floor that they expect a rollcall vote momentarily, and we are trying to communicate with the Senate floor now and find out if that is correct. There would be no use in starting if we are just going to have two or three minutes and then have a recess again.

We will know in a minute.

(Whereupon, a short recess was taken.)

Senator MUNDT. The committee will come to order.

The Chair would like to announce again that the guests in the committee room are here at the pleasure of the committee, and we are happy to have you here and we ask only one thing, and that is conform to the committee rules and refrain from any manifestations of approval or disapproval during the course of the hearing.

The Chair would also like to announce that we couldn't discover definitely whether the Senate is about to vote or not. A Senator is concluding a speech, and that is a little bit indefinite. So we think we had better start in because sometimes it takes as long for a Senator to conclude a speech as it does to go around with a round of questions.

I will ask counsel to proceed.

Mr. JENKINS. Mr. Chairman, I desire to make this public announcement. Secretary Stevens has been on the witness stand as I recall now some 6 days. It is evident that he is somewhat exhausted. The committee feels that out of deference to the Secretary and to the fact that he has been subjected to an examination and cross-examination for such an inordinately long time—in view of that fact, and in view of the fact that it is the wish of the committee that a question which arose either yesterday or the day before, to wit, with respect to a photograph introduced of the Secretary and Private Schine should be settled; and in view of the further fact that Mr. Welch not only, as I understand it, concurs with us in our decision to have the Secretary stand aside, but requested that we do so for the reasons that I have stated, we have decided to ask Mr. Stevens to stand aside and now introduce proof with respect to the photograph of November 17.

With this further understanding—and I desire to emphasize this—that no witness put on with respect to any of the circumstances with reference to the taking of that picture, or to the picture introduced as an exhibit, shall be examined or cross-examined by any member of the committee or any counsel on any matter save with respect to the photograph, the circumstances under which it was taken, and the introduction of the photograph; and that I may, with all due deference to the members of this committee, interpose an objection if any of the members of the committee get off the reservation.

Senator McCLELLAN. A point of order.

Senator MUNDT. Senator McClellan.

Senator McCLELLAN. I suggest one modification: That any witness who testifies is subject to cross-examination with respect to his credibility on any issue.

Mr. JENKINS. I think that is elementary, because that is one of the issues of the controversy, and Senator McClellan, I agree that that would be a proper subject of inquiry.

Senator MUNDT. The Chair would construe that to be a relevant line of cross-examination.

Senator McCARTHY. Mr. Chairman.

If I may have attention of counsel on this also, may I say that I have no objection whatsoever to Mr. Stevens stepping aside, if this is upon the request of his counsel on the basis that the Secretary is weary or tired and wants a rest.

I would strenuously object to breaking into his testimony for any other reason. I think that any witness at any time—and the Secretary has been here for a long time—who, through his counsel says, "I am tired and I want a rest, and I want a recess," then I would make no objection. If it is for any other reason, then I would say it is highly improper to break into the testimony because I was right in the middle of my questioning.

Mr. WELCH. Mr. Chairman, I do not make any such request, and Mr. Stevens wanted me to make it entirely clear that he is a member

of the Army, and that he would go forward if the committee required him to.

I was told by Mr. Jenkins this morning that it was his intention to go into the picture incident almost at the opening of this morning's session, and I then gave my consent to that change. That consent, Mr. Jenkins, still stands.

I am not unmindful of the fact that putting that testimony on will give Mr. Stevens a little respite automatically, but he would not, however, permit me to ask for quarter. He would prefer to go on rather than see any signal flag go up of any lack of courage on his part.

I think it is clear, therefore, that if required he will go on, but I admit as his counsel I am prepared to have the interruption.

MR. JENKINS. I will state publicly that I feel it should be done, and the committee this morning in an executive session voted as I recall to follow the procedure that I have now suggested.

SENATOR MUNDT. It was not done by a vote, but it was done by general agreement. Senator McCarthy?

SENATOR MCCARTHY. Mr. Chairman, there is only one reason on earth why we should break the usual rules we are following, and that is if a witness at any time feels that he wants a rest, he should have it.

I may say that I have no personal sympathy for this particular witness. He has initiated the charges asking for the wrecking of the reputation and the jobs of my two top men in my committee. I have many questions to ask him about that.

Now, to break this up, Mr. Chairman, and to violate the rules that were adopted some time ago would be, I think, a mistake, unless the Secretary wants a rest and that is no disgrace. I frankly would like one myself.

Unless he wants a rest I don't think we should dismiss him from the stand.

SENATOR MUNDT. The Chair is prepared to undertake, on his own responsibility, to say that he believes that Secretary Stevens has earned a little temporary respite, having been subjected to questioning for a long time.

Secondly, the rule of the hearings is that the counsel is to put on the evidence in the order that he deems to be best and most judicious. And he has asked that this evidence be introduced at this time.

SENATOR MCCARTHY. Mr. Chairman——

SENATOR MUNDT. We will be glad to hear you.

SENATOR MCCARTHY. I don't want, Mr. Chairman, to take up too much time on this. But let me say this: That the rule was, the rule that was adopted, that whenever a witness was on the stand we would alternate 10 minutes for each man available, until the witness' testimony had been completed.

Now, to break up his testimony for other witnesses, I think is a complete violation of that rule.

May I say, Mr. Chairman—let me say this. That one of the reasons, as the Chair knows, why I consented to retire from the committee and appoint someone in my place was that I had the assurance that there would be no change in the ground rules during the hearing. Otherwise I would not have absented myself from the committee.

I just think—Mr. Jenkins, could I have your attention, too—the reason I want the attention of counsel and the reason I ask for the attention of counsel——

Mr. JENKINS. I beg pardon.

Senator McCARTHY. I think he is one of the best lawyers we have here, and I think he is completely fair and doing a good job.

Mr. Jenkins—

Mr. JENKINS. Let that point go in the record, Mr. Chairman.

Senator McCARTHY. May I say, to end my argument: That you are changing the ground rules in the middle of the game. And we had an agreement not to do that. I would do that if Mr. Stevens is tired or weary; otherwise, we have a man on the stand who has made the most grievous charges against the reputation and the integrity of my committee and he should not be allowed to step down merely for the purpose of regrouping his forces and discussing the matter with counsel.

Senator JACKSON. A point of order, Mr. Chairman.

Senator MUNDT. May the Chair say, unless Senator McCarthy is laboring under some misapprehension, that it has not been proposed by counsel that Secretary Stevens be permanently dismissed from the witness stand or that he be deprived of all of his rights as guaranteed under the rules to ask the questions that he wants to ask, under the regular 10-minute rule, until all questions are concluded.

Senator JACKSON. A point of order—

Senator McCARTHY. Mr. Chairman, may I finish?

Senator JACKSON. Who is recognized?

Senator MUNDT. The Chair will recognize Senator McCarthy, or either one, or whoever addressed the Chair first.

Senator JACKSON. I make this point of order: It is my understanding that the reason why evidence is now to be or testimony is now to be requested by the counsel is because of the incident that occurred on Monday, with reference to a photograph that had been given to the counsel.

I assume that it is always in order, in order to properly question the witness in this case, that if evidence is introduced which was not as represented that we have a right to have that information before the witness finally steps down from the witness stand.

I see no change in the rules. And I assume that a point of order properly lies against any suggestion that he should step aside necessarily because of weariness. I would insist regardless, and I have insisted, as you know, from the beginning that we clear up this photograph.

Senator MUNDT. The counsel, under the rules of procedure, has control of the manner in which the evidence is to be introduced. And I will be glad to hear on a point of order.

Senator McCARTHY. Mr. Chairman, one of the reasons why I may appear to be insistent is that I don't like to set a precedent. I stepped off the committee temporarily after certain ground rules were agreed to by me and the committee, and we agreed unanimously.

And I said as long as we follow those ground rules I would not act as a member of the committee. And one of the ground rules was that when a witness was on the stand, everyone on the committee, counsel for all parties concerned, would have an opportunity to exhaust their examination before he left the stand. That is the rule.

Now, if there is something of tremendous importance, we have got to break into this for, or, as I say, if the Secretary is tired; otherwise, Mr. Chairman, I think that we are setting a dangerous precedent.

Let me ask you this, Mr. Chairman: I understand now that you intend to put in evidence about a picture of Mr. Stevens and Mr. Schine. Could I ask, are all of the pictures that have been ordered from the military photographers available? If not, that is another reason why we should not go into this thing piecemeal.

Senator MUNDT. Counsel tells me that he is prepared to introduce the testimony in connection with the picture; is that correct?

Mr. JENKINS. In connection with the picture that was filed as an exhibit to the Secretary's testimony earlier this week.

Senator SYMINGTON. A point of order.

Mr. JENKINS. Under date of November 17. With respect to that matter only.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. It is now nearly 3 o'clock. Therefore, 25 percent of the hearing has gone. So far we haven't done anything.

Senator MUNDT. The Senator will state his point of order.

Senator McCarthy?

Senator McCARTHY. Mr. Chairman, may I say that I am willing to leave it up to the judgment of counsel. I withdraw my objection and leave it up to the judgment of counsel.

Senator MUNDT. Very well. The judgment of counsel is that we shall proceed with the testimony on the pictures, and Secretary Stevens will step down and counsel will call the first witness.

Mr. JENKINS. Mr. Chairman, I desire to call as the first witness Pvt. G. David Schine.

Senator MUNDT. Will you stand and be sworn, please?

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Private SCHINE. I do.

Senator MUNDT. You may be seated.

Mr. Jenkins will inquire.

Will the photographers please be seated?

TESTIMONY OF PVT. G. DAVID SCHINE

Mr. JENKINS. Will you please state your name in full?

Private SCHINE. Gerard David Schine, sir.

Mr. JENKINS. Where are you now stationed, Private Schine?

Private SCHINE. I am stationed at Fort Myer, sir.

Mr. JENKINS. You are in the Army?

Private SCHINE. I am, sir.

Mr. JENKINS. Mr. Schine, I want to make this statement to you at this time. I think it is proper. The inquiry of you at this time will be confined to one subject only. If you are asked any question with respect to any other issue or controversy in this lawsuit, in this controversy, I respectfully ask you not to answer it until I shall have had time to interpose an objection.

Private SCHINE. Yes, sir.

Mr. JENKINS. The inquiry is directed to a photograph allegedly taken of you, Secretary Stevens, and/or perhaps others.

Senator McCLELLAN. Mr. Chairman.

Senator MUNDT. Do you have a point of order?

Senator McCLELLAN. A point of order, in the nature of a point of order.

I should like to ascertain before proceeding with the witness whether the witness has been advised of his right to have counsel present, and if he desires to have counsel present at this time.

Senator MUNDT. The Chair sustains the point of order. Will counsel interrogate the witness on that point?

Mr. JENKINS. Mr. Schine, do you understand that it is your constitutional right and your right according to the rules of this committee, permanent subcommittee, that you have a right to have counsel present to advise you from time to time during the course of your examination?

Private SCHINE. Yes, sir.

Mr. JENKINS. Do you desire to avail yourself of that right?

Private SCHINE. I have no counsel with me, sir.

Mr. JENKINS. Do you desire counsel with you for the purpose of conferring and receiving his advice during the inquiry on this particular subject?

Private SCHINE. I believe I can answer the questions regarding this particular subject without counsel, sir.

Mr. JENKINS. Please state where you were on November 17, 1953?

Private SCHINE. What date was that, sir?

Mr. JENKINS. November 17. To call to your mind specifically what I have in mind, the day you allegedly were photographed with the Secretary of the Army and perhaps others.

Private SCHINE. I was at Fort Dix, N. J., sir.

Mr. JENKINS. Please tell the committee whether or not you were photographed on that day together with others?

Private SCHINE. I was, sir.

Mr. JENKINS. Under what circumstances—did you see the Secretary of the Army on that day?

Private SCHINE. Yes, sir.

Mr. JENKINS. How did he arrive at Fort Dix, by what method of transportation?

Private SCHINE. In an airplane, sir.

Mr. JENKINS. Is there a landing field at Fort Dix, or is there an airport near Fort Dix?

Private SCHINE. There is one adjoining Fort Dix, sir.

Mr. JENKINS. Do you recall the name of the airport?

Private SCHINE. McGuire Air Force Base, sir.

Mr. JENKINS. Do you remember the incident of the Secretary arriving by plane on November 17 at McGuire Air Base?

Private SCHINE. Yes, sir.

Mr. JENKINS. Were you at McGuire Air Base when the plane arrived transporting the Secretary?

Private SCHINE. I was, sir.

Mr. JENKINS. Will you tell the committee the circumstances under which you were at the airbase while you were there?

Private SCHINE. I was ordered to be there, sir.

Mr. JENKINS. By whom?

Private SCHINE. By the commanding general of the base, sir.

Mr. JENKINS. State his name?

Private SCHINE. General Ryan, sir.

Mr. JENKINS. General Ryan ordered you to be at the McGuire Air Base to meet the plane transporting the Secretary of the Army?

Private SCHINE. Yes, sir.

Mr. JENKINS. Did you know or were you advised by General Ryan who the passengers were on that plane?

Private SCHINE. No, sir.

Mr. JENKINS. Do you know why General Ryan ordered you to meet the plane?

Private SCHINE. Do I know now, sir?

Mr. JENKINS. Yes. Did General Ryan tell you why you were to meet the plane?

Private SCHINE. I believe he told me, sir, that some of the Senate Investigations Committee staff, Senator McCarthy, and Secretary Stevens, were coming to see me, sir.

Mr. JENKINS. Do you recall the hour of arrival of the plane?

Private SCHINE. It was right after retreat, sir.

Mr. JENKINS. That would be about what time?

Private SCHINE. I believe about 5:30 or a quarter of six, sir.

Mr. JENKINS. Still daylight? Was it still daylight?

Private SCHINE. I believe it was just entering the evening, sir.

Mr. JENKINS. Who was on the plane?

Private SCHINE. Senator McCarthy, sir, Roy Cohn, Frank Carr, Secretary Stevens, John Adams, and there might have been 1 or 2 other staff members there.

Mr. JENKINS. Mr. Schine, state whether or not on that occasion you were photographed?

Private SCHINE. I was, sir.

Mr. JENKINS. I want you, without my asking you the specific questions—first of all, I want to state this: Do not state at whose request you were photographed. That is not a proper subject of inquiry at this time. I want you to state all other circumstances under which you were photographed and with whom you were photographed. You may proceed.

Private SCHINE. I was asked to come over and stand in a certain spot next to a certain individual, sir.

Mr. JENKINS. You asked to?

Private SCHINE. I was asked to, yes, sir.

Mr. JENKINS. I will not ask you by whom, but as a result of that request, what did you do?

Private SCHINE. I obeyed, sir.

Mr. JENKINS. With whom were you photographed?

Private SCHINE. I was photographed with the Secretary of the Army.

Mr. JENKINS. Mr. Stevens?

Private SCHINE. Yes, sir.

Mr. JENKINS. Very well.

Private SCHINE. And Colonel Bradley was standing in the picture, too, sir.

Mr. JENKINS. Who took the photograph?

Private SCHINE. An Air Force photographer, sir.

Mr. JENKINS. Do you know the name of the photographer who took it?

Private SCHINE. I do not, sir.

Mr. JENKINS. As a result of that occurrence, what, if anything, did you do with respect to the photograph or the negative?

Private SCHINE. After the photograph was taken, sir, as soon as I was able to I went over to the Air Force photographers—I believe there were at least two—and I quietly asked them if they would be good enough not to publish the photograph anywhere, that I had had to pose for it upon request, that of course I would like to have a copy of it but I would appreciate it very much if they would not sent it to any publications.

Mr. JENKINS. Was it not sent to any publication as far as you know?

Private SCHINE. As far as I know, it was not, sir.

Mr. JENKINS. Were you given at a later date this photograph?

Private SCHINE. Yes, sir. I believe it arrived at my office in New York through the mail.

Mr. JENKINS. Do you know who sent it?

Private SCHINE. I understand it came from the Air Force photographer, sir.

Mr. JENKINS. The one who took the picture?

Private SCHINE. It is from him or his office, sir.

Mr. JENKINS. Mr. Schine, do you have an office in New York City?

Private SCHINE. I do, sir.

Mr. JENKINS. I will ask you whether or not the photograph I now hand you for inspection is the one sent to you by the photographer. [Photograph exhibited to Private Schine.]

Private SCHINE. Yes, sir.

Mr. JENKINS. What did you do with that photograph, Mr. Schine?

Private SCHINE. I asked the office to have it framed and put on the wall in my office.

Mr. JENKINS. I hand you now a frame and ask you to examine it and state whether or not that is the frame in which the photograph you have before you was framed and hung in your office.

Private SCHINE. It looks like the frame, sir.

Mr. JENKINS. When was the photograph taken from your office?

Private SCHINE. It was on Thursday morning, sir, or possibly before that.

Mr. JENKINS. Of last week?

Private SCHINE. Yes, sir.

Senator MUNDT. Photographers, we had an agreement worked out, perhaps you were not here, that the photographers would take their pictures from a sitting or kneeling position, and not because it inconveniences the committee so much, but in fairness to the television people. We have received a great many complaints about photographers bobbing up in front of the telegraphic lenses.

As an old photographer, I am sure you don't want anybody to get between you and the subject of the camera.

Mr. JENKINS. State whether or not, on one day last week, you were in the office—being office No. 101, as I recall, in this building—with Mr. Cohn and perhaps with Mr. Carr, and perhaps others, at which time I was present and you were present; and at which time I was questioning Mr. Cohn and others present with reference to the facts of their case preparatory to presenting their case to the committee? Were you there on such an occasion?

Private SCHINE. I was, sir.

Mr. JENKINS. Do not say what was said, please, but state whether or not on that occasion I was told by both Mr. Cohn and perhaps others and you who requested the taking of that photograph. Now, you can answer that "Yes" or "No." Was I told that?

Private SCHINE. Yes, sir.

Mr. JENKINS. Do you recall that in consequence of that information which was impaired to me at the time I made inquiry as to whether or not the photograph was in existence?

Private SCHINE. Yes, sir.

Mr. JENKINS. And was told that it was in your possession, and hanging in your office, in New York City?

Private SCHINE. Yes, sir.

Mr. JENKINS. And did I request that the photograph be furnished to me to be presented as evidence in this case?

Private SCHINE. You did, sir.

Mr. JENKINS. In consequence of that, what did you do, just follow the steps you took in complying with my request and getting that photograph to me?

Private SCHINE. I got in a taxicab, sir, and I went to the airport and got on the first plane I could, and I went to New York to get the thing you requested, sir.

Mr. JENKINS. Did you bring it back to Washington?

Private SCHINE. I did, sir.

Mr. JENKINS. To whom did you deliver it?

Private SCHINE. I delivered it to Mr. George Anastos, a member of the staff.

Mr. JENKINS. Is the photograph that you delivered to the gentleman whose name you have called, the identical photograph now before you?

Private SCHINE. When I took it from my office in New York, sir, it was wrapped in brown paper, and I did not open it between the time I left New York and the time I handed it to Mr. Anastos, sir.

Mr. JENKINS. But is the photograph you have before you now the one that you took from the frame in your office in New York City?

Private SCHINE. Yes, sir.

Mr. JENKINS. And is that the one that you delivered to the gentleman whose name you mentioned?

Private SCHINE. Yes, sir.

Mr. JENKINS. Have you seen the photograph since then, until today?

Private SCHINE. No, sir.

Mr. JENKINS. Did you see a photograph—and may I ask for it now?

Mr. Schine, I now pass to you a photograph purporting to be a photograph of you and the Secretary of the Army only, and entitled at the head "McGuire AFB, Fort Dix, November 17, 1953," and I will ask you whether or not you have ever seen that particular photograph until now?

(The picture referred to was passed to the witness.)

Private SCHINE. Yes, sir, I have seen this published in newspapers, I believe, sir.

Mr. JENKINS. Since the original was delivered to the office here in Washington?

Private SCHINE. I have never seen this print, sir. I have seen copies of this in the newspapers, sir.

Mr. JENKINS. Those were newspaper pictures of that photograph which have occurred in the last few days?

Private SCHINE. That is right; I have never seen this.

Mr. JENKINS. But you have never seen the original that I now hand you and the one that I offered as evidence in this case a few days ago; is that right, Mr. Schine?

Private SCHINE. That is right, sir.

Mr. JENKINS. Do you have any knowledge of any of the circumstances—strike that.

Looking at the original photograph, who is the man on your immediate right, as shown in that photograph?

Private SCHINE. That is Colonel Bradley, sir.

Mr. JENKINS. Do you have any knowledge of the circumstances under which—

Senator MUNDT. I think we are going to have to do something about these photographers and do it now. We have tried to be as lenient as we can, but we cannot permit the hearings to be interrupted by disorderly behavior on the part of the photographers.

There will be no more climbing on chairs, and no more running around in front of the witnesses. We have asked you as courteously as we can and we had your assurances that you would live up to the rules of the committee. Now, we can go no further, and I will tell the young man who is the president of this group with whom we have worked, and with whom the photographers have cooperated with us very well up to this time, this type of thing is out. From now on the photographers will be governed accordingly.

Mr. JENKINS. Mr. Schine, do you have any knowledge of the circumstances under which the picture of Colonel Bradley was omitted, or taken from the original photograph?

Private SCHINE. Only through reading the testimony, sir.

Mr. JENKINS. You were not there when such a thing was done, if it was done?

Private SCHINE. No, sir.

Mr. JENKINS. You have read the testimony you say?

Private SCHINE. I believe I have.

Mr. JENKINS. The stenographer's transcript of the testimony?

Private SCHINE. I have read some of it.

Mr. JENKINS. That is the only basis of your knowledge?

Private SCHINE. Yes, sir.

Mr. JENKINS. You did not do it yourself, is that what we understand, Mr. Schine?

Private SCHINE. I did not do it myself, sir.

Mr. JENKINS. You saw no one else do it?

Private SCHINE. No, sir.

Mr. JENKINS. No further questions.

Senator MUNDT. The Chair has no questions at this time, and will pass temporarily. Senator McClellan.

Senator McCLELLAN. I have only one question, Mr. Schine. That picture that has been made an exhibit in this testimony, the large one now before you, from your recollection or from your knowledge can you say any such picture was ever taken of you and Secretary Stevens except in the group picture which you have identified?

Private SCHINE. I don't know, sir, how many pictures the Air Force photographers took, but this picture is the one that I received.

Senator McCLELLAN. That is the picture you have received?

Private SCHINE. Yes, sir.

Senator McCLELLAN. I am asking the question if at any time, to your knowledge, did the Air Force or anyone else ever take a picture of you and Secretary Stevens alone?

Private SCHINE. I really wouldn't know, sir.

Senator McCLELLAN. That is all.

Senator MUNDT. Senator Dirksen?

Senator DIRKSEN. Just one question. To whom was the photograph delivered, the one that you brought down from New York?

Private SCHINE. I delivered it to Mr. Anastos, sir.

Senator DIRKSEN. Would you spell it, please.

Private SCHINE. A-n-a-s-t-o-s.

Senator DIRKSEN. A-n-a-s-t-o-s?

Private SCHINE. Yes, sir.

Senator DIRKSEN. You said he was a member of the staff?

Private SCHINE. Yes, sir.

Senator DIRKSEN. Thank you.

Senator MUNDT. Senator Jackson?

Senator JACKSON. Private Schine, you went to New York on what day to get the picture?

Private SCHINE. I went on Wednesday evening, sir.

Senator JACKSON. Wednesday—how long ago?

Private SCHINE. Last Wednesday, sir.

Senator JACKSON. A week ago yesterday?

Private SCHINE. The day before the hearings began, sir.

Senator JACKSON. That was as a result of the conference that Mr. Jenkins has inquired about in the office in room 101 of the Senate Office Building?

Private SCHINE. That was at the request of Mr. Jenkins, sir.

Senator JACKSON. Who went with you on the trip?

Private SCHINE. Nobody, sir.

Senator JACKSON. You went alone?

Private SCHINE. Yes, sir.

Senator JACKSON. Your picture was on the wall in your office in New York?

Private SCHINE. No, sir, it was wrapped up ready for me to bring back to Washington.

Senator JACKSON. How did it happen to be wrapped up to bring back?

Private SCHINE. I had called the office and asked them to have it ready.

Senator JACKSON. Had it been on the wall?

Private SCHINE. It had been on my wall, sir.

Senator JACKSON. When did you take it off the wall?

Private SCHINE. I really do not know when the staff took it off the wall, sir.

Senator JACKSON. Your office staff. They took it off as a result of your telephone call?

Private SCHINE. I really do not know, sir. I do not know when they took it off.

Senator JACKSON. I mean, had this picture been on your office wall when you were last in your office in New York? How long ago was that?

Private SCHINE. It was not on my wall when I was last in New York, sir.

Senator JACKSON. When was that?

Private SCHINE. That was——

Senator JACKSON. A week ago yesterday?

Private SCHINE. No, sir. This was last weekend, sir.

Senator JACKSON. When did you ask that the picture be taken off your office wall? Was that a week ago yesterday?

Private SCHINE. When did I ask that it be taken off the wall, sir?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I do not want to spend time on a point of order, but what difference does it make when the picture was taken off the wall?

Senator MUNDT. The Senator may have something in mind, and he has the right to ask the question as long as it is within the purview outlined by counsel.

Senator JACKSON. I think it is entirely relevant in view of the testimony previously given by Mr. Cohn.

Senator MUNDT. The Senator will proceed.

Senator JACKSON. When did you ask that it be taken down from your office wall?

Private SCHINE. I do not recall, sir.

Senator JACKSON. Do you have any idea? Was it in connection with the procurement of the picture for introduction in evidence in this hearing?

Private SCHINE. Do you mean, sir, did I ask that it be taken off the wall immediately following Mr. Jenkins' request that I produce the picture?

Senator JACKSON. Yes.

Private SCHINE. The answer is, no, sir.

Senator JACKSON. When was it taken down from your office wall? When did you ask, approximately?

Private SCHINE. I have no idea, sir. I have been stationed at Camp Gordon, Ga., for 3 months, or more, and I have not been in my office during that period. I do not know when it was taken off the wall, sir.

Senator JACKSON. You did request that it be taken off the wall?

Private SCHINE. I did not request that it be taken off the wall.

Senator JACKSON. You did not?

Private SCHINE. No, sir.

Senator JACKSON. When you came back, you delivered it to Mr. Anastos of the committee, and it was wrapped up in brown paper?

Private SCHINE. Right, sir.

Senator JACKSON. That is the last you saw of it?

Private SCHINE. Right, sir.

Senator JACKSON. That is all.

Senator MUNDT. Senator Potter?

Senator POTTER. I have no questions.

Senator MUNDT. Senator Symington?

Senator SYMINGTON. Just one question, Mr. Schine. You say a picture was taken of you and Colonel Bradley and Mr. Stevens?

Private SCHINE. This picture, sir [indicating].

Senator SYMINGTON. Who else was in the picture?

Private SCHINE. I see only three people, sir.

Senator SYMINGTON. The blown-up picture we had, had the hat and coat of a fourth. Do you happen to remember who that was?

Private SCHINE. No, I do not, sir. I remember that they snapped several pictures, and I believe that this was one of the first ones they snapped after I had been asked——

Senator MUNDT. I am sorry, the last bell was the vote, so we will have to stand in recess for perhaps 15 minutes while the Senators go and vote.

(Brief recess.)

Senator MUNDT. The committee will come to order, please.

Senator McCARTHY. Mr. Chairman, is one of my few points of order in order?

Senator MUNDT. The Senator will state it briefly, please.

Senator McCARTHY. I have reason now to believe that the picture which was sent to Mr. Schine and part of which was introduced in evidence the other day, is entirely different from the picture presented by the Army, which Mr. Stevens and Mr. Adams blew up and presented to us as the complete picture. If so, this a tremendous imposition upon Mr. Jenkins, the counsel.

I would like at this time—may I say, Mr. Chairman, while normally this would not be a point of order, it is the type of point of order Mr. Welch made, so I think following precedent I should make it. I think at this time we should have presented the complete picture sent to Mr. Schine and the blowup which——

Senator MUNDT. The Chair is ready to rule on the point of order. The counsel advises the Chair he is going to introduce all the pictures at the proper time, but now Senator Symington is part way through his 10 minutes, so we will go back to Senator Symington. All the information on the pictures, all the prints, everything will be introduced.

Senator Symington, you had consumed about a minute.

Senator SYMINGTON. Mr. Chairman, I wanted to say the picture which I got off the desk did not have, to the best of my sight, in it the arm and the hat that was in the second picture. So it may well be that we have a third picture here. That is the reason I asked the question.

I have no further questions at this time.

Senator MUNDT. Senator Potter, I believe, is next.

Senator POTTER. I have no further questions.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. We will get to you in a minute. Have you a point of order?

Senator McCARTHY. Yes, Mr. Chairman.

If it develops that Mr. Welch or Mr. Adams or Mr. Stevens presented a picture, a blowup of a picture which was not a blowup of the picture which was presented in evidence, then will we have everyone involved called, the same as was suggested before?

Senator MUNDT. Yes, indeed. The Chair will repeat himself. We are going to get everybody in connection with that picture who can

shed any light upon it to testify. We want to get the truth. I think everybody does. Nobody knows the answer to it at the moment.

Senator Potter had no questions. Senator Symington was last on that side. Is Senator Dworshak in the room? (No response.) I cannot see in the light. He is on the way back from the rollcall.

Mr. Welch?

Mr. WELCH. Private Schine, as I followed your testimony, when you were informed at——

Senator MUNDT. Mr. Welch, will you keep your face toward the mike? We missed that. Will you repeat it, please? This will not be out of your time.

Mr. WELCH. Mr. Chairman, I have a habit of looking at a witness when I examine him. It causes me to turn away from the microphone, but I hope I have cured that situation.

Senator MUNDT. Thank you.

Mr. WELCH. Mr. Schine, I noticed when you testified that you heard that someone was coming on the plane to see you, that you named the people coming in this order: Members of the staff, Senator McCarthy, and Secretary Stevens.

It is a good deal to suggest that you remember the order in which you stated those that were arriving, but will you agree with me if I tell you that you stated them in that order?

Private SCHINE. No, sir, I don't recall the order I stated the list of people in, sir.

Mr. WELCH. When you described their arrival you described them in this order: Senator McCarthy, Mr. Cohn, Mr. Carr, Secretary Stevens, and Mr. Adams. Do you remember placing the arrival in that order?

Private SCHINE. I can't recall exactly the order I used, sir.

Mr. WELCH. If I suggest to you, sir, that you did name them in that order, would you agree with me that I was correct?

Private SCHINE. No, sir.

Mr. WELCH. As you think over the group now, do they come to your mind in roughly that order: Senator McCarthy, Cohn, Carr, Stevens and Adams?

Private SCHINE. No, sir.

Mr. WELCH. After the photographs were taken, you made an oral request that the person that took them should not publish them; is that right?

Private SCHINE. I did, sir.

Mr. WELCH. And you made a written request, also, did you not?

Private SCHINE. I don't recall having made a written request, sir.

Mr. WELCH. Did you say you did or didn't?

Private SCHINE. I would say I didn't, sir.

Mr. WELCH. Is there someone from the Air Force here with a letter signed by this witness in connection with the questions I am now asking?

Mr. JENKINS. Mr. Welch, I have before me a letter dated November 24, 1953, signed by G. David Schine, which was passed to me today and addressed to Public Information Officer. Is that the letter about which you are making inquiry?

Mr. WELCH. I judge it is, sir.

Mr. JENKINS. I shall be very glad to deliver it to you.

Senator McCARTHY. Could I see that, Mr. Counsel?

Mr. JENKINS. Do you think it proper that Senator McCarthy see it first, Mr. Welch?

Mr. WELCH. I think it proper that he should see it.

(Document referred to was passed to Senator McCarthy.)

Senator MUNDT. Time out while we are examining the document.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I agree with Mr. Welch this should be put in evidence but I think first it should be established who signed the letter, whether Mr. Schine or his secretary.

(The committee examined the document.)

Senator MUNDT. Will you pass this on to Mr. Welch, please?

(Document referred to was passed to Mr. Welch.)

Mr. WELCH. Private Schine, I show you a letter, or what purports to be a letter, on the letterhead of the United States Senate, Committee on Government Operations, purporting to be dated November 24, 1953, carrying in the lower lefthand corner of it the initials GDS: FP, and carrying on the righthand side, "Cordially yours" comma, and in ink "G. David Schine"; and under that ink legend the typewritten words "G. David Schine."

Was that letter signed by you?

Private SCHINE. It was not, sir.

Mr. WELCH. Was it dictated by you?

Private SCHINE. Yes, sir.

Mr. WELCH. Was it sent on your behalf?

Private SCHINE. It was, sir.

Mr. WELCH. May I read it to you, and you verify me, Mr. Schine.

Private SCHINE. May I read the letter, sir.

Mr. WELCH. Indeed. You have it.

Private SCHINE (reading).

PUBLIC INFORMATION OFFICER,

McGuire Air Force Base, Trenton, N. J.

DEAR SIR: Thank you very much for sending the pictures of Secretary Stevens, Colonel Bradley, and myself.

If any of the other photographs which were taken had of turned out satisfactorily, I would appreciate having those forwarded to me as well.

I want to express my gratitude at this time for your cooperation in not releasing the pictures or any kind of press statement. I will remember my promise to you that if at some time in the future it becomes possible to allow publication of the pictures that McGuire Air Force Base will be given credit for the photography.

This is signed apparently by somebody in my office, and it is dated November 24, 1953. This is the first I have seen the actual letter, although I recall having dictated that now. I apparently thanked the Air Force for sending me the picture, for not printing it; and in answer to their request, when I did ask them not to print it, I told them that I would comply with their request and give McGuire Air Force Base credit for the photography if ever the picture were printed—something I just remember I have not done. [Laughter.]

Mr. WELCH. Private Schine, I suggest to you that if you and I both give them a plug now, they ought to be pretty well satisfied, don't you think? Will you join me in giving them a "thank you"?

Private SCHINE. I have already thanked them, sir.

Mr. WELCH. Now I wish to ask you, on the basis of this letter, if you were seeking to secure an exclusive print on your own behalf.

Private SCHINE. I was seeking nothing, sir, except what the photographers had taken when Secretary Stevens asked me to stand with him for that picture.

Mr. WELCH. Yes; but you asked them not to release the picture, did you not?

Private SCHINE. I did, indeed, sir.

Mr. WELCH. And you asked them not to give out any kind of press statement?

Private SCHINE. I did, indeed, sir.

Mr. WELCH. For which I think it fairly follows—and I am not charging you with anything, sir—from that that you were seeking an exclusive, were you not?

Private SCHINE. I was not, sir. I said nothing to them about where else they should send the picture privately. I merely requested from them after the picture was taken that they not publish it anywhere. I told them that I had to pose for it because I was asked to by Secretary Stevens, but I said nothing to them about where else they should send the picture.

Mr. WELCH. Are you suggesting, sir, that it was repulsive to you to pose for that picture?

Private SCHINE. I am not suggesting anything, sir. I am saying that at the time I made the request of the photographers that they not publish the picture anywhere, I have not seen the picture published anywhere, and I appreciate very much the promise they made to me that they would not send it to any publications.

Mr. WELCH. Are you suggesting, sir, that you were ordered by the Secretary of the Army to pose for that picture?

Private SCHINE. I am saying, sir, that I was asked by the Secretary of the Army to stand next to him and be photographed.

Mr. JENKINS. Mr. Chairman.

Senator MUNDT. Counsel.

Mr. JENKINS. That matter is not a proper subject of inquiry, and I made it perfectly clear; but if Mr. Welch desires that his question and answer stand, I take it that it does not lie within my province to object to it. It sheds no light on the photographs, their authenticity, whether or not anyone is cut out of it. I would merely remind counsel of that fact.

Mr. WELCH. I will try not to stray afield, sir. I think I will stay in bounds.

One more question, however, along this line. Did you ask Secretary Stevens' permission to mount it on your wall and give it publicity to that extent?

Private SCHINE. I did not, sir.

Mr. WELCH. Did you follow the hearings in this room by television?

Private SCHINE. Which hearings, sir?

Mr. WELCH. That we are attending today. Have you been following them?

Private SCHINE. I have followed as many of them as I was permitted to follow, sir.

Mr. WELCH. Were you following on the morning that we had quite a to-do in this room about the picture?

Private SCHINE. I believe I saw some of that hearing, sir.

Mr. WELCH. Did you understand that I, Welch, was then suspicious that this picture had in some way been doctored?

Private SCHINE. I do not know that it has been doctored, sir.

Mr. WELCH. When you saw the picture of yourself and Secretary Stevens alone and observed Secretary Stevens' discomfort when he was queried about them, did you rush to a telephone and say to someone on the staff or anyone on the staff, "That is not fair"?

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Does the Senator have a point of order?

Senator McCARTHY. I just want to make it clear, Mr. Chairman, if counsel is going to go beyond the authenticity of the picture, I have no choice but to do likewise. I understood from Mr. Jenkins that if there were a straying beyond the authenticity of the picture, objection would be raised. Whether you object or not, I frankly do not care. I want to make it very clear that if we are going to go beyond the picture, I will do likewise.

Senator MUNDT. Will the reporter repeat the question? The attention of counsel was temporarily distracted, as was the attention of the Chair. I would like to have the question repeated.

(The question was read by the reporter.)

Mr. JENKINS. Mr. Chairman?

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. That question would go to the credibility of the witness, his disposition or lack of disposition to reveal the facts. I think it is a part of the inquiry that the interest or credibility of a witness might be shown. I think it is a proper question, on that subject alone. That is, whether or not he participated in the practice of any alleged deception or having learned of it if such a thing existed, whether or not he remained passive or took any active step to correct a false impression. For that purpose and that purpose alone, I think the question is proper.

Senator McCARTHY. Mr. Chairman, may I say that I will object, I would not object to the question, except I would like to mention the fact that the other day it was pointed out that Private Schine was getting special consideration because he was allowed to use the telephone.

Senator MUNDT. The question will be ruled in order.

And, Private Schine, if you can recall the question, you may answer it.

Private SCHINE. I believe I recall the question, sir, to answer it. When it was insinuated that members of the committee staff had doctored the picture, and that this was a completely dishonest act, I was naturally very much interested in watching the outcome of the proceeding over television.

My own personal opinion was the fact that Colonel Bradley, who was head of many Air Force bases in the Northeast, and was standing to the side, and was in the picture, in no way detracted from the fact that the Secretary had requested that I pose with him.

I didn't know what was going to happen in the hearing, and I didn't know what the members of the staff were going to testify to. And I felt that they had all of the facts. I had complied with Mr. Jenkins request that I produce the picture. And I have no direct contact with the staff during the hearing anyway, and I certainly have been more than willing to cooperate in any way I can and produce any and all information concerning the picture or anything else. And that is what I am doing right now, sir.

Mr. WELCH. Were you shocked when you saw the picture from your wall published, minus one-third of the characters who appeared on your wall?

Private SCHINE. Was I shocked, sir?

Mr. WELCH. Yes?

Private SCHINE. I was not shocked.

Mr. WELCH. Were you surprised?

Private SCHINE. When I saw this picture published, sir?

Mr. WELCH. The picture that had hung on your wall, with three characters in it, when you saw it published in the papers, with but two characters, were you shocked, sir?

Private SCHINE. I have not been shocked lately at anything the newspapers of the country publish, sir.

Mr. WELCH. Were you surprised?

Private SCHINE. I was not, sir; and I expect to read anything in the newspapers these days, sir.

Mr. WELCH. Were you saddened?

Private SCHINE. Was I saddened, sir, about what?

Mr. WELCH. About the missing Colonel Bradley in your picture?

Private SCHINE. I think it is fairly clear, sir, what happened; and anything that isn't clear will be brought out here at this time.

Mr. WELCH. It was not clear to you when you saw in the pictures what had happened, was it, Private?

Private SCHINE. At that time there had been no testimony about the incident, sir.

Mr. WELCH. Well, you recognized what you saw in the paper as two-thirds of the picture that had hung on your wall, did you not?

Private SCHINE. I did not see the papers, sir, until the day following the hearing.

Mr. WELCH. But when you saw it, you recognized it as two-thirds of what had hung on your wall, did you not?

Private SCHINE. As I recall, I believe that the press published both pictures, the one of Secretary Stevens and myself, which is a print taken apparently from a copy of a picture and enlarged, plus the original which appeared on my wall in the office.

Mr. WELCH. Do you know now, Private Schine, how Colonel Bradley, one-third of the characters in the play, disappeared from the cast?

Private SCHINE. I have absolutely no idea, sir.

Mr. WELCH. You haven't learned yet?

Private SCHINE. I have not, sir.

Mr. WELCH. Then, Private, wearing that proud uniform which you do, I acquit you, sir, of anything wrong, if there was anything wrong.

Senator MUNDT. Counsel's time expired at the proper time, and he ran out of questions at the same moment.

Senator McCarthy?

Senator McCARTHY. Mr. Chairman, I would have no questions to ask of this witness, except I would like to have it established whether or not the picture Mr. Welch produced was actually the blowup of the picture that had been introduced in evidence the day before.

Senator MUNDT. If you will yield to counsel at this time? He is prepared to pursue.

Senator McCARTHY. I would rather have counsel do that. '

Senator MUNDT. Mr. Jenkins.

Senator McCARTHY. There is only one question; I have just one question. What is your rating as of today?

Private SCHINE. I am a private, sir.

Senator MUNDT. Mr. Jenkins.

Mr. JENKINS. Mr. Schine, I show you another photograph which I believe all parties here concede is a blowup, shall we say, of a photograph in which the Secretary of the Army, you, Private Schine, and Colonel Bradley are shown, and perhaps the arm or the arm coat of a fourth person to the immediate right of Colonel Bradley. I will ask one of these gentlemen to pass that blown up photograph to you.

Private SCHINE. I can see it from here, sir.

Mr. JENKINS. I will ask you to examine it carefully, and state whether or not you have ever seen that photograph before, or any duplicate of it, or the negative of it or the print of it.

Private SCHINE. I believe I saw that one on television, sir, and I have never seen any negative or print of it.

Mr. JENKINS. Is that the first time that you ever saw it, on television, during these proceedings?

Private SCHINE. It is, sir.

Mr. JENKINS. Was that after you had delivered to the office of Mr. Cohn the first photograph about which you were questioned today?

Private SCHINE. Yes, sir.

Mr. JENKINS. Do you see an arm or arm coat or sleeve of a fourth person in this photograph?

Private SCHINE. I do, sir.

Mr. JENKINS. Do you understand that this photograph was introduced by counsel—by Mr. Stevens and/or Mr. Adams; do you understand that, either through themselves or through their attorney?

Private SCHINE. Yes, sir.

Mr. JENKINS. Do you have any way, whatever, of accounting for this photograph that I now show you or of including any facts to this committee that would shed any light upon it?

Private SCHINE. No, sir.

Mr. JENKINS. Other than that it is a photograph of the Secretary of the Army, of you, Colonel Bradley, and a part of some fourth person?

Private SCHINE. May I see the other photograph, sir?

Mr. JENKINS. May I ask which one?

Private SCHINE. The one that was on my wall.

Mr. JENKINS. I thought it was before you.

I will ask you to examine, Mr. Schine, the first photograph about which you were questioned, and which was taken from your office in New York City, and state whether or not there is shown in it a fourth party or the arm of a fourth party?

(Photograph referred to was shown to the witness.)

Private SCHINE. No, sir, there is no arm of another party in the photograph that hung on my wall, which was sent to me by the Air Force.

Mr. JENKINS. Would you or not say that the two photographs are different or are you able to express any opinion on that subject?

Private SCHINE. I would say that they are different prints, and as to whether they came from the same negative or not, sir, I do not.

May I see this one a little closer, sir, to look at some of the expressions?

(The photograph referred to was handed to the witness.)

Private SCHINE. My own personal opinion—

Mr. JENKINS. May I ask you to hold this photograph, and there is another one that I want to ask you but you may answer the last question, Mr. Schine.

Private SCHINE. My own personal opinion, sir, is that the darkroom of the Air Force saw fit to cut the picture of Secretary Stevens and me down to show just three individuals.

Mr. JENKINS. May I ask you this question?

Private SCHINE. Yes, sir.

Mr. JENKINS. Will you examine both pictures to the immediate left of the Secretary, which would be the right side of the picture as you look at it?

Private SCHINE. Yes, sir.

Mr. JENKINS. And the left side of the picture, as the Secretary and you and Colonel Bradley stand.

Private SCHINE. Yes, sir.

Mr. JENKINS. Do you note any differences there?

Private SCHINE. I note very little difference, sir, in the two pictures. I cannot say that they are taken from the same negative, possibly.

Mr. JENKINS. Will you examine particularly the insignia?

Private SCHINE. Yes, sir, it looks as if they are taken from the same negative, although the two photographers could have been standing close to each other, and I don't know, sir.

Mr. JENKINS. Mr. Chairman, I have no further questions.

Senator MUNDT. Well, the Chair was completely unable to follow this testimony because he was looking at the photographs from the rear throughout, and so I have no questions.

Perhaps Senator McClellan will have one.

I wonder if we could have the pictures presented up here, where the rest of the committee can see them.

Private SCHINE. Yes, sir.

Senator McCARTHY. Mr. Chairman

Senator MUNDT. Have you a point of order?

Mr. JENKINS. Do you want those filed as exhibits? Should they be filed as exhibits? I think perhaps they should be.

Senator McCARTHY. Mr. Chairman

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. I yielded to counsel because I thought he wanted to develop this point, on the assumption I would be able to question when he got through. I have no objection to waiting until we go around, though, if the Chair would prefer.

In the meantime, could I see those pictures?

Senator MUNDT. Yes, I think we had better go around, probably, and we will get around to you.

Senator McClellan.

Senator McCLELLAN. Mr. Chairman, if it would serve the convenience of the Senator to pursue this particular line of questions, I am glad to let him do so at this time.

Senator MUNDT. Without objection, then, in behalf of any member of the committee, we will now allocate 10 minutes to Senator McCarthy. The Chair hears no objection.

Senator McCarthy for 10 minutes.

Senator McCARTHY. Mr. Schine, I don't know if we should try to make you an expert on photography but in looking at the pictures, I find that the picture which you sent to Mr. Jenkins is different in many details from the picture that Mr. Welch submitted. He submitted it, and informed the committee that they were the same picture.

I assume, if it is not the same picture, it was not the result of any evil intent on the part of Mr. Welch. I assume he was honestly mistaken. But you will note, if you will look—I wish there were some way that we could both look at it together. You will note, if you look at the picture, Mr. Schine, that the picture which you submitted differs from the one Mr. Welch submitted insofar as the insignia at Mr. Stevens' left is concerned; also insofar as the disappearance of the fourth man from the picture is concerned. So can we safely say this: that the picture which you submitted is not the same picture in all detail as the one which Mr. Welch submitted?

Private SCHINE. Yes, sir, I can say that they are different prints. There is no doubt about that.

Senator McCARTHY. You would have no way of knowing, of course, whether different photographers took them or whether the same photographer took them at succeeding moments?

Private SCHINE. No, sir. As I remember, there were two photographers, and I have never seen any other pictures that they took unless these are two of them.

Senator McCARTHY. May I say, Mr. Chairman, that I frankly cannot see any great importance to this. We have the same pleased expression on Mr. Schine's face, the same grim smile on Mr. Stevens' face, that we have in one picture as in the other. I would not care to spend any more time on that.

Senator MUNDT. Does counsel have any further questions?

Mr. JENKINS. Mr. Schine, I ask you to file the picture you sent or had sent from your office in New York City, for the purposes of identification, as exhibit 3, and the large blown-up photograph as exhibit 4; and I ask the reporter to so identify those photographs.

That is all I care to ask.

Senator MUNDT. The exhibits will be accepted and recorded.

(The photographs mentioned above were marked as "Exhibit No. 3 and Exhibit No. 4" and will be found in the files of the subcommittee.)

The Chair has no further questions of Mr. Schine at this time. Senator McClellan?

Private SCHINE. Sir, the large picture is not mine. The other one, it is my pleasure, sir, to attach to the testimony.

Mr. JENKINS. It is merely a formal matter for the purpose of identifying those.

Private SCHINE. Yes, sir.

Senator MUNDT. The Chair will accept the exhibit from counsel if that is permissible, and we will have it in the record.

Senator McClellan?

Senator McCLELLAN. Mr. Schine, as I understood your testimony, you have never seen this picture that came from your wall from the

time that you brought it to Washington and delivered it to the man whom you have identified?

Private SCHINE. I did not open the package, sir. I opened it in my office when I got there, to make certain that this was the picture of Secretary Stevens and myself, the one that Mr. Jenkins had requested. Then I asked one of the girls in the office to wrap it up again, and I brought it in that form to Room 101, where I gave it to Mr. Anastos.

Senator McCLELLAN. That would mean you had not seen it since; is that your testimony?

Private SCHINE. No, sir.

Mr. JENKINS. Had you, in company with others, had some pictures, looking at them since then, that you recall?

Private SCHINE. Have I had what, sir?

Senator McCLELLAN. We will make it a little more specific. Do you recall whether you had dinner last Friday night at the Colony House, right across from the Mayflower Hotel?

Private SCHINE. I do not recall having dinner there, sir.

Senator McCLELLAN. Do you say you did or did not?

Private SCHINE. I think I was asked to come in there, and I believe I had some ice cream, sir.

Senator McCLELLAN. By whom? Who were you in company with at the time?

Private SCHINE. Members of the staff, sir.

Senator McCLELLAN. Members of the staff?

Private SCHINE. Yes, sir.

Senator McCLELLAN. Will you—

Private SCHINE. This was not Friday, sir. It might have been Friday, sir; I do not believe it was, sir.

Senator McCLELLAN. It was since you delivered the picture, was it not?

Private SCHINE. Yes, sir; I believe it was.

Senator McCLELLAN. Since then. Did you at that time, with the others, have some pictures there examining them?

Private SCHINE. Have some pictures, sir?

Senator McCLELLAN. Yes, sir, at that time. If so, state whether this picture was in the number.

Private SCHINE. No, sir. This picture—I had not seen this picture, sir, until this morning.

Senator McCLELLAN. That is what I understood you to say. I am trying to clear up something that is just as much in your interest as anyone else's.

Private SCHINE. Yes, sir.

Senator McCLELLAN. Did you at that time have some other pictures there that you were examining?

Private SCHINE. I may have, sir.

Senator McCLELLAN. Do you recall?

Private SCHINE. Yes, sir, I did. I had another picture, sir.

Senator McCLELLAN. What picture was that? All I am interested in, was it this picture or one different to this?

Private SCHINE. This was a picture of members of the staff, Senator McCarthy, and General Lawton.

Senator McCLELLAN. How many different pictures did you have there at the time?

Private SCHINE. Just one, sir.

Senator McCLELLAN. Just one picture?

Private SCHINE. Yes, sir.

Senator McCLELLAN. You now recall that incident?

Private SCHINE. I do, sir.

Senator McCLELLAN. That was, you think, last Friday night?

Private SCHINE. I don't believe it was Friday, sir. I believe it was sometime last week.

Senator McCLELLAN. It may have no significance at all.

Private SCHINE. Yes, sir.

Senator McCLELLAN. But I wanted to let you clear it up.

Private SCHINE. Yes, sir.

Senator McCLELLAN. You say this picture was not there?

Private SCHINE. It definitely was not, sir.

Senator McCLELLAN. Was the other picture about the same size as this?

Private SCHINE. I am not sure whether they were the same size.

Senator McCLELLAN. Whether they were—I thought you said there was only one.

Private SCHINE. You asked me, sir, whether the other picture was the same size as this one.

Senator McCLELLAN. That is right.

Private SCHINE. I do not know, sir, whether they were the same size.

Senator McCLELLAN. I said about the same size. I am trying to determine whether this picture was there. If not, if there is one similar that might cause somebody to make a mistaken identity.

Private SCHINE. I believe this one is about an 8 by 10, sir, and possibly the other one by 10 by 12 or 8 by 10.

Senator McCLELLAN. A little larger than this?

Private SCHINE. I am not sure.

Senator McCARTHY. Mr. Chairman?

Senator MUNDT. Senator McCarthy.

Senator McCARTHY. For the benefit of Senator McClellan, my staff informs me that Private Schine gave them the picture. They have it down in the committee room. If the Senator would like the picture that they were examining, it will be brought up.

Senator McCLELLAN. Mr. Chairman, I believe I would like to have the witness testify. I do not know that I care to see the other picture. I am only trying to determine if this picture was the picture and, if not, whether someone else might have been mistaken in undertaking to identify this picture. I am asking him so he may, while present on the stand—this picture or the authenticity of it or whether it was doctored is at issue, and he may clear up this statement.

Private SCHINE. I will be very happy to, sir. I remember the staff requested that I produce another picture. This was a picture taken when the committee was holding hearings on Communist infiltration in the Signal Corps of the Army, and I now recall that the staff has the picture. I understand they can produce it if you would like them to, Senator.

Senator McCLELLAN. All right. Let's get is completely clear and accurate right now. You did not have this picture, but you did have another picture at the time?

Private SCHINE. Yes, sir.

Senator McCLELLAN. Let's identify the time from your recollection. If it were not last Friday night, when was it?

Private SCHINE. It might have been Thursday night, sir.

Senator McCLELLAN. Either Thursday or Friday night of last week?

Private SCHINE. Yes, sir.

Senator McCLELLAN. Who was in the party with you? Name those.

Private SCHINE. I think that Mr. Cohn, Mr. Carr, Mr. Juliana, and possibly 1 or 2 other members of the staff.

Senator McCLELLAN. Was the man whom you have named as the one to whom you have delivered this picture, was he present at that time?

Private SCHINE. I really don't remember, sir.

Mr. JENKINS. His name is George Anastos.

Senator McCLELLAN. Anastos is the man I am inquiring about. Was he present at that time?

Private SCHINE. I do not recall, sir. I do not think he was.

Senator McCLELLAN. That is all for the present, Mr. Chairman.

Senator MUNDT. Senator Dirksen.

Senator JACKSON?

Senator JACKSON. Yes.

As I understood it, you went up to New York on what day last week to get the picture?

Private SCHINE. I went on Wednesday evening, sir.

Senator JACKSON. Wednesday evening?

Private SCHINE. Yes, sir.

Senator JACKSON. And you returned with it what evening?

Private SCHINE. I returned the next day, sir.

Senator JACKSON. You returned on Thursday?

Private SCHINE. Yes, sir.

Senator JACKSON. Then you delivered the picture on Thursday to Mr. Anastos?

Private SCHINE. Yes, sir.

Senator JACKSON. Was that Thursday morning or afternoon?

Private SCHINE. It was just at the beginning of the afternoon, sir, I believe.

Senator JACKSON. Who did you come back from New York with?

Private SCHINE. I came alone, sir.

Senator JACKSON. You came alone?

Private SCHINE. Yes, sir.

Senator JACKSON. You testified that you had no direct contact with the staff?

Private SCHINE. That I had no direct contact with the staff when, sir?

Senator JACKSON. You testified in response—I assume since the hearing started, in response to a question by Mr. Jenkins you said—

Private SCHINE. No, sir; I did not, sir. I said I have had no direct contact with the staff during the hearings, sir.

Senator JACKSON. You haven't talked with any one of the staff?

Private SCHINE. Not while the hearings are going on, sir, because they are sitting right at this table, sir.

Senator JACKSON. You haven't talked with any one of the staff in the evening or any other time?

Private SCHINE. Oh, yes, sir. I have been available and anxious and ready to cooperate in any way I can with members of the committee, with members of the staff, and with the Department of the Army.

Senator JACKSON. I thought you wanted to correct that because in response—

Private SCHINE. I did not say I had not had any contact—period. I said during the hearings I have not talked on the telephone with members of the staff as far as I can remember.

Senator JACKSON. You remember during the formal hearings here in the open?

Private SCHINE. Yes, sir.

Senator JACKSON. But you don't mean after hours?

Private SCHINE. No, sir. They have called upon me to do a great deal of work, to produce many things.

Senator JACKSON. Is any member of the staff doing any work for you and preparing anything for you?

Private SCHINE. Yes, sir.

Senator JACKSON. So some of the staff are assisting you, then?

Private SCHINE. No, sir. If I am asked by the staff to write out something involved in a report, I feel free to call upon the staff and ascertain the proper date or look at some of the records to help me.

Senator JACKSON. But you have not requested the staff to do any work for you?

Private SCHINE. No, sir.

Senator JACKSON. That is all.

Senator MUNDT. Senator Potter.

Senator POTTER. I have no questions.

Senator MUNDT. Senator Symington.

Senator SYMINGTON. No questions.

Senator MUNDT. Senator Dworshak.

Senator DWORSHAK. I would like to see the document which was offered in evidence a few minutes ago.

Private SCHINE. Yes, sir.

(Document referred to was passed to Senator Dworshak.)

Senator DWORSHAK. Private Schine, do you have any understanding at the present time with the investigating subcommittee of the Government Operations Committee to remain on its staff?

Private SCHINE. I beg your pardon, sir?

Senator DWORSHAK. Do you have any agreement at the present time with this subcommittee to remain as a member of its staff?

Private SCHINE. I am a private in the Army, sir, and I am not engaged by the Senate subcommittee except insofar as instructions are given to me to cooperate, which I am ready and willing to do.

Senator DWORSHAK. Weren't you in the Army on November 24, 1953?

Private SCHINE. I was; yes, sir.

Senator DWORSHAK. You used a copy of the committee's letterhead at that time?

Private SCHINE. I believe, sir, that somebody in my office typed that letter. I probably was informed that the picture had arrived. I didn't feel that there was anything wrong—I don't feel there is anything wrong with using that stationery. They probably had it available.

Senator DWORSHAK. Are you still using it?

Private SCHINE. I am not, sir.

Senator DWORSHAK. But you did use it on November 24?

Private SCHINE. Somebody in the office selected that for the letter, although I don't see any official designation on there, sir.

Senator DWORSHAK. I didn't ask about that. I was just wondering whether you were authorized to use this stationery after you became a private in the Army?

Private SCHINE. I believe, sir—

Senator McCARTHY. Mr. Chairman, I have been sitting here very patiently listening to Senators go far afield. I thought we were questioning this witness, according to Mr. Jenkins' statement, in regard to the authenticity of this photograph.

If we want to go into the question of whether or not he used a piece of my stationery at some time and spend time on that, all right; but if you are going to open this up, then I must go into side issues also.

Senator DWORSHAK. Mr. Chairman, am I entitled to my rights as a member of this committee?

Senator McCARTHY. A point of order.

Senator DWORSHAK. Is that a point of order or is it not?

Senator McCARTHY. It is a point of order that counsel stated that at this time we would only go into the question of the authenticity of the photograph.

Senator MUNDT. The Chair would like to remind Senator Dworshak that the counsel did suggest—I think it was before you returned to the committee room, Senator—that the questions at this time to Private Schine were to be addressed to the authenticity of the photographs.

Senator DWORSHAK. I was over answering the rollcall and I didn't hear that explanation.

Senator MUNDT. That is correct. So Senator McCarthy's point is well taken.

Senator McCarthy, do you have any further questions?

Senator McCARTHY. No further questions, Mr. Chairman.

Senator MUNDT. Counsel?

Mr. JENKINS. Yes, I do have.

Mr. Schine, in view of questions asked you by Senator McClellan, I now deem it my duty on behalf of this committee to ask you further with reference to these photographs.

Private SCHINE. Yes, sir.

Mr. JENKINS. I understand you to say that last Friday evening you were at the Colony Club or Old Colony Club in Washington.

Private SCHINE. I was not, sir.

Mr. JENKINS. Last Thursday night?

Private SCHINE. I believe it was Friday, sir, for about 20 minutes.

Mr. JENKINS. Across from the Mayflower Hotel?

Private SCHINE. Yes, sir.

Mr. JENKINS. And that Mr. Cohn was present?

Private SCHINE. Yes, sir.

Mr. JENKINS. Mr. Carr was present?

Private SCHINE. I believe he was, sir.

Mr. JENKINS. Mr. Juliana was present?

Private SCHINE. Yes, sir.

Mr. JENKINS. You were present?

Private SCHINE. Yes, sir.

Mr. JENKINS. You were asked by Senator McClellan whether or not George Anastos was present. You recall that?

Private SCHINE. Yes, sir, I do.

Mr. JENKINS. Your answer was that you didn't remember?

Private SCHINE. My answer was, sir, that I do not recall that he was present, but I do not believe that he was.

Mr. JENKINS. Was there anybody else in the party outside of those that you named, that you distinctly recall?

Private SCHINE. I don't distinctly recall anybody else.

Mr. JENKINS. What time of night was that party given?

Private SCHINE. I don't know that it was a party, sir.

Mr. JENKINS. What time the group assemble?

Private SCHINE. I don't know.

Mr. JENKINS. You know what I mean, Mr. Schine. When did you go there?

Private SCHINE. I came there after they had begun eating dinner, sir.

Mr. JENKINS. About what time of night? I don't know what time they eat dinner. Neither does the committee.

Private SCHINE. I believe it must have been in the middle of the evening.

Mr. JENKINS. What time is the middle of the evening?

Private SCHINE. Nine or ten o'clock.

Mr. JENKINS. Nine or ten o'clock. At whose invitation did you come?

Private SCHINE. I came at the request of either Mr. Cohn or Mr. Carr, sir.

Mr. JENKINS. You went alone?

Private SCHINE. Yes, sir.

Mr. JENKINS. Knowing that the assemblage was there?

Private SCHINE. Yes, sir.

Mr. JENKINS. Mr. Schine, did you take this photograph with you that you referred to, the photograph of you, Senator McCarthy, and perhaps others? Did you take it along with you when you went to the Colony Club? What is that Old Colony Club? I never heard of it.

Private SCHINE. I believe it is called the Colony Restaurant, sir.

Mr. JENKINS. The what?

Private SCHINE. The Colony Restaurant.

Mr. JENKINS. Let's pinpoint it. The Colony Restaurant?

Private SCHINE. Yes, sir.

Mr. JENKINS. Did you take that photograph with you?

Private SCHINE. Yes, sir.

Mr. JENKINS. What was the occasion of your doing that?

Private SCHINE. I believe I was asked to, sir.

Mr. JENKINS. By whom?

Private SCHINE. I am not sure, sir. Either Mr. Cohn or Mr. Carr.

Mr. JENKINS. For what purpose?

Private SCHINE. I believe they wanted it, sir. I don't know the purpose.

Mr. JENKINS. What photograph was it—of you, Senator McCarthy, and who else?

Private SCHINE. General Lawton is in the picture, sir.

Mr. JENKINS. As far as you now recall, it was a photograph of you three only?

Private SCHINE. No, sir. Other members of the staff.

Mr. JENKINS. Then you, General Lawton, Senator McCarthy, Mr. Cohn—is that right?

Private SCHINE. Yes, sir.

Mr. JENKINS. Mr. Juliana?

Private SCHINE. Yes, sir.

Mr. JENKINS. Mr. Carr?

Private SCHINE. I believe there were six in the picture, sir.

Mr. JENKINS. What was the occasion of your being invited to come to the Colony Restaurant and bring with you that particular photograph? Why did they want it?

Private SCHINE. I have no idea, sir.

Mr. JENKINS. You found out, no doubt, when you got there, what they wanted with it?

Private SCHINE. I have had requests for many things, sir, in the last several days, and I am trying to comply with all of these requests.

Mr. JENKINS. You were asked specifically whether or not George Anastos was there, and as I understand you, you say that this photograph that hung on your wall in New York City was delivered by you to George Anastos.

Private SCHINE. Yes, sir.

Mr. JENKINS. You say you don't remember whether George Anastos was there at the Colony Restaurant?

Private SCHINE. I don't think he was, sir.

Mr. JENKINS. You first said, as I recall, that you didn't remember whether he was there.

Private SCHINE. I am not sure that he was.

Mr. JENKINS. Do you remember what you ate there that night? You said—

Private SCHINE. I had a butterscotch sundae.

Mr. JENKINS. You remember that, butterscotch ice cream.

Private SCHINE. Yes, sir.

Mr. JENKINS. It was not a large group of people, was it?

Private SCHINE. I wouldn't say it was a large group, sir.

Mr. JENKINS. You would say it was a small group?

Private SCHINE. Several people, sir.

Mr. JENKINS. How many? You have named all of them, have you not?

Private SCHINE. I don't know who I named, sir.

Mr. JENKINS. Mr. Schine, what I want to get at is this, and I know the committee wants to get at it. How is it that you—I believe you are a college graduate, are you not?

Private SCHINE. I am, sir.

Mr. JENKINS. And you have served this committee as a special consultant for some considerable time. That is correct, is it not?

Private SCHINE. I have, sir.

Mr. JENKINS. Now, Mr. Schine, do you mean to tell this committee here today under your oath that you do not remember today, Thursday, with whom you ate that ice cream last Thursday, 1 week ago, at the Colony Restaurant here in Washington? Is that what you are telling this committee?

Private SCHINE. I think I can explain that, sir.

Mr. JENKINS. If you have an explanation, I am sure the committee would like to hear it.

Private SCHINE. I am a private in the United States Army, sir.

Mr. JENKINS. That does not affect your memory, does it? (Laughter.)

Private SCHINE. I think I have a fairly good memory, sir.

Senator McCARTHY. A point of order, Mr. Chairman. Couldn't we let the private finish his answer?

Mr. JENKINS. If I have cut him off, I apologize. Go ahead. Go ahead, Mr. Schine. I am sorry.

Private SCHINE. Since I have been in the Army, sir, I have been subjected to many pressures. I have been called upon to do many things. I have received many orders, quite unusual for a private in the Army to receive, and I have obeyed them to the best of my ability. Since I came to Washington, I have at the request of many individuals attended many meetings, and this controversy has caused many of them to work late hours, including myself. I really think it is quite natural that I cannot remember who was at all of the meetings.

Mr. JENKINS. Well, Mr. Schine, your explanation, then, is as we get it that you are in a sort of a state of exhaustion?

Private SCHINE. I am not exhausted, sir; and I think, sir, when you were asking me about the meeting on Wednesday evening, and you asked me whether Mr. Cohn was present, and you said perhaps Mr. Carr was present and perhaps other individuals were present, that you suffered from the same type of poor memory that I suffer from now.

Mr. JENKINS. I believe, Mr. Schine, that this committee believes that perhaps I have been a little more busily engaged for the last week or 2 weeks than maybe you have, and there is some, I regret to say, disparity in our ages.

Private SCHINE. Well, sir, I certainly——

Mr. JENKINS. But I am asking you about a simple event——

Private SCHINE. I certainly——

Mr. JENKINS. To wit, a meeting of some 5 or 6 men, 1 week ago, and when you said you didn't remember whether or not George Anastos, who happens to be the man that you delivered this New York photograph to, was present or not, I felt that I should explore that subject further, and I still feel so.

Private SCHINE. I will tell you why I can remember that I gave the photograph to Mr. Anastos.

Mr. JENKINS. Now, haven't you, Mr. Schine, been here some week or 10 days?

Private SCHINE. Sir?

Mr. JENKINS. Haven't you been in Washington——

Private SCHINE. Yes, sir.

Mr. JENKINS. Or at Camp Gordon?

Private SCHINE. I am not physically exhausted.

Senator McCARTHY. The counsel stated to begin with that this would be restricted to the photograph, and I have restricted myself to that. And now we are delving into what type of ice cream the Private ate last week.

Now, if this has some relevancy to the photograph, good; we will go into it. But I think there is a limit to how ridiculous we can get here.

Mr. JENKINS. I say, Mr. Chairman, that this goes to the relevancy of the photograph; if the proof develops that 1 week ago, approximately, this witness was in company with other members of the staff, whom he has mentioned, and had a photograph with him, I say that it is a circumstance shedding light on the authenticity or lack of it of these photographs. And I desire to pursue that examination further, if I may.

Private SCHINE. May I finish, sir?

Senator MUNDT. You may finish your answer.

Private SCHINE. Yes, sir; you see, sir, when you sent me to New York to obtain this photograph —

Mr. JENKINS. I did that.

Private SCHINE. And other documents, sir, I was very anxious to do that, sir, because I understood you were quite anxious to have these things. And I went right to the airport, sir, and got on the first plane. And when I came back from New York, sir, Mr. Anastos met me at the airplane.

Mr. JENKINS. You have testified to all of that now, Mr. Schine?

Private SCHINE. Yes, sir. And, therefore, I do remember giving him the photograph because he came with me to the office. And, as a matter of fact, one of the staff came in and said, "Let me see the picture of you and Secretary Stevens," and I said, "We had better send this right up because Mr. Jenkins is anxious to have it, and so we had better not open it." And I remember Mr. Anastos taking the picture.

Mr. JENKINS. I understand that.

Private SCHINE. Because you were so anxious to have the picture and the documents, sir, I was quite anxious to comply with your wishes, and remember distinctly the incident.

As to what I gave to the members of the staff on that evening, they have asked me for many things, sir. And there was no urgency about this photograph; it was one of many things perhaps which they have requested. And I really didn't pay much attention to who was at the meeting. I merely came to it.

Mr. JENKINS. I didn't mean to cut you off.

Private SCHINE. I think they were finished eating, and they asked me if I wanted anything, and I ordered some ice cream; and I believe I handed them whatever they asked for. And I think that we all left shortly thereafter.

Mr. JENKINS. Is that the end of your answer?

Private SCHINE. I beg your pardon.

Mr. JENKINS. Is that your answer now in full? And I don't mean to cut you off.

Private SCHINE. I think that I can find out exactly who was there, sir.

Mr. JENKINS. I am not asking you that now.

Mr. Schine, when I met you in Mr. Cohn's office one evening, I requested, after you had given me certain information, a photograph of you and the Secretary of the Army, did I not?

Private SCHINE. You did, sir.

Mr. JENKINS. Now, Mr. Schine, you now know that I introduced as evidence on cross examination of the Secretary of the Army a photograph of the Secretary and of you alone, and you know that, don't you?

Private SCHINE. Yes, sir.

Mr. JENKINS. If you don't know it, I will state it to you as a fact.

Private SCHINE. Very well, sir. I know that.

Mr. JENKINS. It now develops that the photograph is Colonel Bradley—

Private SCHINE. Yes, sir.

Mr. JENKINS. Of Colonel Bradley was omitted from that photograph, doesn't it? And you know that as a fact?

Private SCHINE. Yes, sir.

Mr. JENKINS. Now we are trying to inquire about it.

You went to the Colony Club a week ago tonight, and you know George Anastos, don't you?

Private SCHINE. Yes, sir, I do.

Mr. JENKINS. How long have you known him, Mr. Schine?

Private SCHINE. I have known him for several months, sir.

Mr. JENKINS. Do you know him well?

Private SCHINE. In fact, I think I have known him for longer than several months, sir.

Mr. JENKINS. Well, is he on the McCarthy committee?

Private SCHINE. Yes, sir.

Mr. JENKINS. A member of the staff?

Private SCHINE. Yes, sir.

Mr. JENKINS. You have worked with him day in and day out over the course of the last several months?

Private SCHINE. Well, sir, he came with the committee much later than I did, sir.

Mr. JENKINS. And you were asked to bring a certain photograph to the Colony Restaurant a week ago tonight, that did not include a photograph of the Secretary of the Army, weren't you?

Private SCHINE. Yes, sir.

Mr. JENKINS. But only a photograph of Senator McCarthy and certain members of his staff, including yourself?

Private SCHINE. And General Lawton, sir.

Mr. JENKINS. Do you know, and I ask you again, was any explanation given to you as to why they wanted you to bring that photograph?

Private SCHINE. I think that they thought possibly, sir, that you might want to have it.

Mr. JENKINS. Well, do you know why such a photograph would shed any light on the issues of this controversy, Mr. Schine?

Private SCHINE. I don't think—you mean the controversy over the picture, sir?

Mr. JENKINS. Yes, and the controversy between the respective parties on this controversy. Now, can you imagine why it would shed any light whatever on what we are investigating here?

Private SCHINE. I don't know, sir.

Mr. JENKINS. You don't know?

Private SCHINE. I think if—

Mr. JENKINS. Was it said or suggested to you—and you say you thought maybe whoever asked you to bring it conceived the idea that I might want it. Was it suggested to you that I had called for such a picture?

Private SCHINE. No, sir.

Mr. JENKINS. Or even knew of its existence?

Private SCHINE. There was not, sir.

Mr. JENKINS. When you got there with it, was there any discussion about it?

Private SCHINE. There was, sir.

Mr. JENKINS. What was that discussion, may I ask? Just tell what was said.

Private SCHINE. "Here is the picture," and there was discussion as to whether you might want to have it or not.

Mr. JENKINS. In what connection was it suggested that I would want such a picture to shed any light on what this committee is trying to decide?

Private SCHINE. No particular connection, sir.

Mr. JENKINS. Anything general? Nothing in particular, but what generally was said about it?

Private SCHINE. I believe, sir, that the members of the staff are anxious to give you any and all information—do you want me to finish?

Mr. JENKINS. All right.

Senator McCARTHY. Mr. Chairman, please.

Senator MUNDT. Do you have a point of order?

Senator McCARTHY. I have seen competent, energetic lawyers work many times in my life. Most of them have the same affliction. They are so anxious to ask the next question they don't wait for the answer. I know Mr. Jenkins is not doing this purposely, but sitting on the sideline, Mr. Jenkins, frankly, you are not giving the private a chance to answer.

Mr. JENKINS. Go ahead, Mr. Schine.

Private SCHINE. I believe, sir, that the members of the staff are anxious to give you any information, documents or facts that will help to present a full and fair picture of all activities relating to this current series of hearings. I am not exactly sure what is in the minds of the individuals who have the photograph, but I suggest, sir, respectfully, that you ask for the photograph, and possibly you will find it relevant and possibly you won't. Perhaps it is significant that they haven't given it to you thus far. Perhaps they don't think that you will find it relevant. Perhaps after you look at it you will find that it is relevant.

Mr. JENKINS. Mr. Schine, where did you get the picture that evening that you took to the Colony Restaurant?

Private SCHINE. I had it with me, sir.

Mr. JENKINS. You had it with you, but you had not been carrying it with you?

Private SCHINE. I got it in New York City, sir.

Mr. JENKINS. When? At the same time you got the other photograph?

Private SCHINE. No, sir, I don't believe so, sir. I believe I got it last weekend, sir.

Mr. JENKINS. For what purpose did you get it? Were you requested to get it by anyone, or did you do it of your own volition, or how was that?

Private SCHINE. I am not sure, sir, whether anyone specifically said, "Bring me a picture of you and Senator McCarthy and General Lawton," but I know that in getting together certain documents and papers which members of the staff have asked me to bring to the committee, I included this particular document, as I have excluded others. I have been asked for many things, and I haven't made any

long list. I have also been asked for categories of things, sir, and possibly I decided myself that this fit into a particular category relative to the investigation by the committee of Communist infiltration into the Signal Corps.

Senator MUNDT. My colleague to my left has called to my attention, Mr. Counsel, that perhaps your question was misunderstood or the answer was misunderstood. There is something which is confusing, because I think Private Schine says that the picture he gave to the staff members at the Colony Club a week ago tonight, he procured in New York the last weekend. So there is some mixup there.

Private SCHINE. Yes, sir. As I recall now, sir, I am not sure when I gave it to the members of the staff, but I think I gave it to them at the Colony.

Mr. JENKINS. Mr. Schine, I ask you this one final question—I hope it is. You say that George Anastos is a member of the McCarthy staff?

Private SCHINE. Yes, sir.

Mr. JENKINS. You know him and know him well, and you have worked with him for months. That is correct, isn't it?

Private SCHINE. Well, I wouldn't say I worked with him for months, sir, but I have worked with him, sir.

Mr. JENKINS. Yes, sir. Do you now tell the committee again—we are inquiring into the authenticity of certain photographs.

Private SCHINE. Yes, sir.

Mr. JENKINS. You say you were with these gentlemen a week ago tonight with a photograph at the Colony Restaurant and, as I understood you, you said that you did not remember whether George Anastos was there or not, and you say that you had it comparatively easy for the last week or 10 days.

Private SCHINE. I didn't say that, sir.

Mr. JENKINS. All right, all right, I will take that back.

Do you now tell this committee that you do not remember whether or not on last Thursday night at the Colony Restaurant George Anastos was present?

Private SCHINE. Do you want me to give you the exact day, sir, and the exact individuals who were present?

Mr. JENKINS. No, no. It was last Thursday night, we understand. Is there any dispute about that?

Private SCHINE. Yes, sir, there is.

Mr. JENKINS. Oh, well now. When was it?

Private SCHINE. I have no pencil in my hand, sir. I have no notes here.

Mr. JENKINS. About when was it?

Private SCHINE. Here is a blank pad. I have been trying to answer your questions as quickly as you asked them. If somebody will lend me a pencil [pencil handed to witness] I will try to figure out who it was.

Mr. JENKINS. Do that, please, as No. 1.

Private SCHINE. All right, sir.

Mr. JENKINS. And here is a calendar if you need one.

Private SCHINE. I have the date, sir. Today is the 29th, is it not? Do you know the date, sir? Mr. Jenkins, do you know the date?

Mr. JENKINS. Mr. Schine, I am not on the witness stand.

Private SCHINE. I am just asking you if you know the date. I am trying to figure out the date, sir.

Senator MUNDT. The 29th, I believe. Right?

Senator McCARTHY. Today is the 29th.

Private SCHINE. Yes, sir. That is what I thought it was.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. The Chair would like to let Private Schine, if he may, have time to think out——

Senator McCARTHY. While Private Schine is thinking, would it be proper to ask that the record be made clear at this time that neither the Chair nor counsel notified me that Private Schine was to be a witness. I think as an ordinary courtesy in the future, in view of the fact that members of my staff have been accused of misconduct, I believe I should have at least the 5 or 10 minutes' notice of who the next witness will be. It is a courtesy which you extend in a court. It is one we always extend in this committee. May I have a ruling from the Chair on that as to the procedure in the future?

Senator MUNDT. The Chair will endeavor to do his best.

Senator McCARTHY. May I have the record clear, also, that I was with the Chair, with Mr. Jenkins, up until sometime after 2 o'clock this afternoon, and I think it very unfortunate that I had not been notified who you proposed to call as witnesses. I know that there was no intention of doing anything wrong on the part of counsel, but if we could have that understanding, I would appreciate it very much.

Senator MUNDT. The Chair is fairly certain that counsel did not know much more than 10 or 15 minutes before Mr. Schine was called, because we discussed the matter after I arrived in the committee room. When I came into the committee room I was not sure then whether Secretary Stevens was going to continue or whether we were going to have another witness. I did not know that it was going to be Private Schine until he was called.

Are you ready, Private Schine?

Private SCHINE. Yes, sir. You see the questions have been coming at me very rapidly, sir, and I do not know just what significance is to be placed on the days or the dates. So when it was suggested to me by Senator McClellan that I was at the Colony on Thursday——

Senator McCLELLAN. I suggested Friday.

Private SCHINE. He must have had reason to think I was there, and I did not doubt that reason. But as I look at the calendar and try to ascertain the exact date, and as I sit back and have had the opportunity to think about the individuals present, I believe I can tell you that the day was Monday, that it was the 26th of April, and that Mr. Carr, Mr. Cohn, and Mr. Juliana were the only members of the staff present. Mr. Anastos was not present.

Mr. JENKINS. Then it was on Monday of this week?

Private SCHINE. Yes, sir.

Mr. JENKINS. Which was 3 days ago.

Private SCHINE. Yes, sir.

Mr. JENKINS. Today being the 29th.

Private SCHINE. Yes, sir.

Mr. JENKINS. So only 3 days have elapsed now since that assemblage occurred. That is correct, is it not?

Private SCHINE. The assemblage? What assemblage, sir?

Mr. JENKINS. The getting together of all them—you know what I mean—at the Colony Restaurant. That was Monday night of this week?

Private SCHINE. Yes, sir. I thought you meant the assemblage of the material.

Mr. JENKINS. And 3 days have elapsed now since the assemblage of you persons occurred. That is right, is it not?

Private SCHINE. Since that particular meeting, sir.

Mr. JENKINS. That is the meeting at which you had this picture of Senator McCarthy, you, and other members of the staff. That is right, is it not?

Private SCHINE. I believe it was, sir.

Mr. JENKINS. Now, Mr. Schine, it was your answer, was it not, a while ago in response to a question by Senator McClellan that you did not remember whether or not George Anastos was present at that meeting. Am I right or am I wrong?

Private SCHINE. Frankly, sir, I had not until just a few minutes ago focused upon a specific meeting. I thought Senator McClellan was trying to ascertain when he asked this question as to whether the photograph I handed to the staff at the Colony Restaurant was the same photograph that I had that was taken at McGuire Air Force Base. I did not know the date of the meeting was so significant—

Mr. JENKINS. The committee may think it is.

Private SCHINE. So I have not focused on any particular date.

Senator McCARTHY. Counsel, this is not a point of order but a suggestion to counsel. I think for counsel's benefit and to keep the record clear, it should be shown roughly how many nights this young man has had his dinner at the Colony, so you will realize the difficulty of focusing on any one particular night and telling you who was there on any particular night.

Mr. JENKINS. The Senator, of course, has a right to bring that out on examination of cross examination.

Mr. Schine, do I understand that since you have been back up here from Camp Gordon you have met at the Colony Restaurant with members of the staff on other nights?

Private SCHINE. I have met them in a number of different places, sir, and several—

Mr. JENKINS. No, the Colony Club.

Private SCHINE. Yes, sir, the Colony Restaurant.

Mr. JENKINS. All right. A number of nights since you have been back from Camp Gordon?

Private SCHINE. I have come over there, sir, to meet with them there, sir.

Mr. JENKINS. Have you met with the members of the staff whom you have named at the Colony Restaurant on any other occasions since you have been in Washington or its environs from Camp Gordon in connection with this investigation at which time you had any photograph with you?

Private SCHINE. No, sir.

Mr. JENKINS. Then—

Senator McCARTHY. Mr. Chairman, a very important point of order now. I will ask the Chair—is this mike working?

Senator MUNDT. It is working.

Senator McCARTHY. I will ask the Chair to call upon Mr. Stevens and those in the military who have the information to give the Chair under oath information as to whether or not Private Schine and others connected with this investigation have been under CID surveillance; if so, who authorized it and how many individuals are involved in that surveillance. By CID you understand what I mean, I assume, Mr. Chairman.

I think that is a very important point that should be covered now, and I think we should order the Secretary to produce the people who can give that information under oath.

Senator MUNDT. The Secretary is not on the stand at the present time. That is a question that might rightfully be propounded to him, if to anyone. Certainly Private Schine doesn't know whether he is under surveillance or not.

Senator McCARTHY. This is not a request that is being idly made. I think the Chair would want to know whether the civilians in the Pentagon are spending money; how many people connected with the CID have been employed in investigation and surveillance of anyone connected with this investigation.

Mr. JENKINS. Mr. Chairman, that is a matter about which the Secretary and other personnel may be examined later, of course, by Senator McCarthy.

Senator McCARTHY. If he doesn't get tired before we can do it.

Senator MUNDT. The Chair rules that Private Schine is not a competent witness on that point.

Senator McCARTHY. Mr. Chairman, if the Chair please, I didn't ask the Chair to interrogate Private Schine on that. I ask the chairman of this committee to order that information produced. If he does not I will try and do it through cross-examination if the civilians of the military don't get tired before I can ask the questions.

Senator MUNDT. It is a perfectly proper question to ask the Secretary at the proper time.

Private SCHINE. May I answer the question, sir?

Senator MUNDT. The question will be reread.

Private SCHINE. I was present at at least the three meetings at the Colony Restaurant during the past several days. I think that after the hearings the staff have met with you. At other times I believe executive sessions have been held. Sometimes they have asked me to meet them at the Senate Office Building, sometimes other places.

On at least three occasions they asked me to meet them at 8 or 9 o. 10 o'clock while they were eating.

Mr. JENKINS. All right. But you you were present with members of the staff at the Colony Restaurant on only one occasion when you brought with you a photograph; is that right? Didn't you say that a moment ago?

Private SCHINE. Yes, sir. Here is the photograph.

Mr. JENKINS. Very well. That was on Monday night of this week, the 26th day of April. Is that correct?

Private SCHINE. I believe it was, sir.

Mr. JENKINS. Now, Mr. Schine, you understood Senator McClellan's question, did you not?

Private SCHINE. I would not say that I did, because he asked me about whether or not this picture was the same as the one that you hung on my wall. At least, that is what I thought he asked me. Now

it seems that the day that I gave it to the staff is the question, rather than whether they were the same. So apparently I didn't understand the question.

Mr. JENKINS. Oh, you didn't understand Senator McClellan's questions; is that what you are saying?

Private SCHINE. Apparently I haven't, sir.

Mr. JENKINS. Mr. Schine, did you not understand that Senator McClellan was asking you about a meeting between you and other members of the staff at the Colony Restaurant at which time there was a photograph present? Didn't you understand that?

Private SCHINE. I understood he was asking me about a photograph.

Mr. JENKINS. That was only one occasion, and that was Monday night of this week. That is correct. You have answered that before.

Private SCHINE. I don't get the question, sir.

Mr. JENKINS. Didn't you tell Senator McClellan in direct response to a direct question that he asked you, to wit, whether or not it now develops 3 days ago your longtime acquaintance, George Anastos, was present, and you stated you didn't remember?

Senator McCARTHY. Mr. Chairman, a point of order. He stated he did not remember whether George Anastos was there last Friday night. The counsel is now asking him about Monday night. Let's be fair with this young man, who had no notice he was to be called here. Let me make my point of order. This is on a point of order. Let's have it clear here that this young man was picked up and set in the witness chair and instructed that he could only be questioned about the authenticity of this photograph of him and Stevens. Mr. McClellan was asking him about a meeting or dinner Friday night at the Colony. Somebody else asked him about a dinner Thursday night.

Now the counsel—I think it is completely unfair—you say to him, "You told Mr. McClellan you didn't know who was with you Monday night." He did not. He told Mr. McClellan he didn't know who was with him Friday night.

Mr. JENKINS. He was asked, and he concedes that he was asked, and I am asking him now if Senator McClellan wasn't asking you about a meeting at the Colony Restaurant when a photograph was present. Isn't that what Senator McClellan asked you?

Private SCHINE. Yes, sir, he was.

Mr. JENKINS. All right. That is what I understood.

Private SCHINE. Yes, sir.

Mr. JENKINS. If you have now pinpointed the date as Monday night of this week—

Private SCHINE. I believe it was Monday night, sir.

Mr. JENKINS. Very well.

Senator McCARTHY. Mr. Chairman.

Senator MUNDT. Have you a point of order?

Senator McCARTHY. Yes. I took counsel's word for it when he said we would only discuss this photograph of Stevens and Schine. For that reason I didn't go into other meetings at the Colony Restaurant or elsewhere. I think we should make it clear now that if we are going to interrogate Mr. Schine about what color ice cream he ate on a certain night, who was with him on various nights last week, we have opened the door far beyond this picture, and when it comes my turn to question him I will do exactly as counsel is doing—I will go beyond the photograph.

MR. JENKINS. I did not ask him about the quality or color of ice cream he was eating on that occasion. He volunteered it.

Senator MUNDT. That is correct.

MR. JENKINS. Mr. Schine, this question——

Private SCHINE. Yes, sir.

MR. JENKINS. You have stated that Senator McClellan asked you about a meeting at the Colony Restaurant at which a photograph was present. Your reply was that you did not remember whether George Anastos was there. I now ask you this question: State whether or not on Monday evening of this week, the 26th day of April, there was a meeting between you and other members of the staff at the Colony Restaurant here in the city of Washington, at which time you brought a photograph which you apparently now have before you, and I ask you whether or not on that occasion George Anastos was present?

Private SCHINE. Sir, I believe it was Monday night, and I do not believe that George Anastos was present, sir.

MR. JENKINS. Then why did you tell Senator McClellan a little while ago that you didn't recall whether he was present or not?

Private SCHINE. Because I hadn't thought about it at all, sir.

MR. JENKINS. And why do you tell me now that you believe he wasn't present?

Private SCHINE. Because since I was first asked the question, I have been given a few minutes to refresh my memory.

MR. JENKINS. Can you say "Yes" or "No," he was present or he was not present, and will you do it?

Senator McCARTHY. Mr. Chairman.

MR. JENKINS. I think, Mr. Chairman, it is a perfectly legitimate question, I know it is, and I think we are entitled to an answer now without any interruption. I insist upon it.

Senator MUNDT. There is no question about its being a proper question.

MR. JENKINS. The question is now: Will you say "Yes, George Anastos was present," or will you say, "No, he was not present"? That is three short nights ago, about which you have testified, Mr. Schine.

Private SCHINE. All I can say, sir, is that I do not believe he was present. You see, I did not have the picture of George Anastos, and I do not believe he was there, sir.

MR. JENKINS. But you will not say definitely one way or the other, is that it? Is that what you want the committee to understand and judge of the weight of all your testimony in the light of your last answer? Is that right?

Private SCHINE. Sir, I was not paying particular attention to which members of the staff were present. I sat down at one end of the table and pulled out whatever they had asked me to bring. It was at the close of the dinner. I would not say definitely whether George Anastos was there or not, but I would say that I would be willing to bet you——

MR. JENKINS. No, don't bet me.

Private SCHINE (continuing). That he was not there.

MR. JENKINS. But, Mr. Schine—and I hope this is the final question—you are content to leave it as it is, to leave your answer as it is, and for these seven men on this committee to judge of the weight of the testimony and of the weight they will attach to it in the light of the

last answer you made. You are content to do that; is that right or not?

Private SCHINE. If the committee wants to consider——

Senator McCARTHY. A point of order, Mr. Chairman.

Private SCHINE (continuing). That my future testimony shall be governed——

Senator McCARTHY. A point of order, please.

Senator MUNDT. The Senator will state it.

Senator McCARTHY. I have a very important point of order. Mr. Chairman, I think in view of the fact that Mr. Schine was called here without warning, notified that his testimony would only concern the photograph of Stevens, and he is a private in the Army, he is not flanked with counsel—when the Secretary of the Army was asked about charges that he deliberately made, put in writing months ago, there was no criticism at all when he said, “I have to go back tonight and think it over,” even though it was material subject of his charges. I think this abuse of the private who sits here alone, with no warning, is completely improper.

I am satisfied that the American people who are watching this judge the difference in the treatment of Private Schine without counsel, without warning, and the Secretary of the Army Stevens who is given—let me finish my point of order—overnight upon request, no criticism at all, no abuse. He is allowed to go home and figure out the statement by consulting with his counsel. I think it is a very unfair and improper thing to do. Maybe it will serve a purpose because the American people are watching this spectacle.

Mr. JENKINS. Mr. Schine, do you consider that I have abused you this afternoon, in any way or to any degree?

Private SCHINE. I would say, sir, that I am trying to cooperate with you in every—would you like me to finish or do you have something further to ask?

Mr. JENKINS. Will you answer my question first?

Private SCHINE. I would say, sir, that I have tried to answer all of your questions.

Mr. JENKINS. Now I didn't ask you that.

Private SCHINE. I am in the process of answering your question.

Mr. JENKINS. Do you consider that I have abused you in any wise, or to any degree this afternoon, in cross-examination of you?

Private SCHINE. Sir, I have tried to answer all of your questions, to the best of my ability, and you have been firing them very rapidly; and I think that I can try to answer them either rapidly, or with time to consider more exactly the specifics that you are seeking.

As to whether you have abused me or not, I can say, sir, that if you are abusing me, it doesn't bother me.

Mr. JENKINS. Suppose, Mr. Schine, that we take it slowly and easily. Now suppose, Mr. Schine, that we take it slowly and easily. I want to ask you the same question that I asked you again.

You have been asked about the meeting at the Colony Restaurant Monday night of this week, at which time you brought a photograph which you now have before you. You were further asked whether or not George Anastos was present. Your answer was that as I recall, you were not definitely sure one way or the other; that you certainly would not give a positive “yes” answer or a positive “no” answer; is that correct?

Private SCHINE. Yes, sir, because this was not a meeting, as such. The members of the staff were there eating very late in the evening, and I came in and went to one end of the table, and sat down to talk with Mr. Cohn and Mr. Carr, and everybody left very shortly thereafter, and I didn't pay much attention to who was present.

Mr. JENKINS. Now, Mr. Schine, are you content to leave your answer as it is?

Senator McCARTHY. Mr. Chairman——

Mr. JENKINS. And for this committee——

Senator McCARTHY. A point of order.

Mr. JENKINS. And judge the weight it will give your testimony in the light of the last answer you made?

Senator McCARTHY. Mr. Chairman.

Mr. JENKINS. Are you content?

Private SCHINE. I am content, sir.

Senator McCARTHY. A point of order, Mr. Chairman.

Senator MUNDT. State it.

Senator McCARTHY. I want to make the very strong point of order that this is the most improper exhibition I have ever seen. You have a lawyer here who brags about being one of the greatest criminal lawyers in the country, badgering this private and he has told him 10 times now that he doesn't know whether or not George Anastos was there, but to the best of his recollection Anastos was not there.

He can't gain anything further by badgering this Army private. I think it is indecent, and I think the Chair should condemn it.

Senator MUNDT. The Chair believes that the counsel is proceeding with complete propriety, in doing the same thing in a searching way with this witness as he did with Secretary Stevens; and if this witness should decide that he wants to have time to think it over, and Mr. Stevens did make such a request, I am sure the Chair and committee will give him the same consideration.

The Chair overrules the point of order.

Private SCHINE. I have already asked whether Mr. Jenkins wants me to find out for certain who was there.

Senator McCARTHY. A question, Mr. Chairman, a formal point of order. May I ask now for my future information how many times we will go on and sit here and have this question reasked, and how many times it can be asked over before it is badgering.

Senator MUNDT. The Chair will rule that counsel should continue to ask questions of witnesses, until he thinks he has exhausted every possibility of getting every bit of information that they have.

Mr. JENKINS. I will discontinue the questioning of this witness when I get an answer. And allow me to make this further statement: It was stated by Senator McCarthy just now, publicly, that counsel for this committee bragged about being a great criminal lawyer or the greatest in the country, or in Tennessee. The Senator was never more wrong in his life.

I am bragging about one thing and one thing only, and that is that to the best of my ability I am pursuing this investigation in order to develop the facts, let the chips fall where they will, and regardless of personalities. That is all that I am bragging about. And I brag about it.

Now, Mr. Schine, if you will give me an answer to this question, yes or no, I shall have finished with you.

I can ask it, and I can ask it just in the most gentle tones of which I am capable. You were asked whether or not you attended a meeting at the Colony Restaurant, at which time you and other members of the committee were present, at which time you carried with you a photograph which you have exhibited; and your answer was in the affirmative. And you further answered that it occurred on Monday night, the 26th day of this month, and you were further asked if George Anastos, whom you say you have known for months was present on that occasion, and who is likewise a member of the committee, and your reply was that you refused to state definitely whether he was there or whether he wasn't there.

I now ask you, are you content to allow this investigating committee to evaluate your testimony given here today, in the light of your refusal to say whether Anastos was present Monday night or not? Are you or are you not?

Private SCHINE. The committee, sir, as far as I am concerned, will judge me not merely by the testimony of a few minutes, but by my entire testimony. If they wish to judge my credibility by questions about dates, I have no way of stopping them, sir, and I am certainly content that they do that.

Mr. JENKINS. And you were given an opportunity to have counsel here this afternoon?

Private SCHINE. Sir, I was told when I was called to this room that I would be asked about the photograph that was taken at McGuire Air Force Base, and I was given about 5 minutes' notice to refresh my memory on the matter of the photograph taken at McGuire Air Force Base. I was not told that I would be asked about anything else, sir.

Mr. JENKINS. Do you now desire counsel?

Private SCHINE. I think, sir, that at least I should talk with counsel about whether I should have counsel or not, sir.

Mr. JENKINS. Mr. Chairman, in view of that answer, I think that it would be improper and unfair for me to pursue this cross-examination any further. And I shall not do so until Private Schine has decided whether or not he desires counsel present.

Senator MUNDT. The Chair has a question to ask, on which he will not require counsel. It has to do with the two photographs which the Chair did not have an opportunity to examine, except from the rear, up until the current colloquy has given him ample time to do so.

Will you hold those two photographs, Private Schine, so that you can see them and so that Mr. Welch can also see them, because I want to be sure that what I ask is correct.

Mr. Welch will correct me, if I am wrong. There has been some testimony up to now about there being two different prints because of a difference at the left where a hand and an arm have been deleted from one picture and included in the other, and the difference in the insignia at the right.

I ask you, Private Schine, to look at the bottom of the big picture, and Mr. Welch to look at the bottom of the big picture, and tell me whether I am right or wrong in the fact that in the big picture the bottom of Colonel Bradley's coat looks to be a couple of inches, on the big picture, from the bottom of the ground, or from the top of the ground? Is that right, Private Schine? Of the big picture, and on the big picture does it not show a space between the ground and the colonel's coat?

Will you hold it up? I may have my question reversed.

That is correct. Can you see the bottom of the colonel's coat in that picture, the topcoat?

Private SCHINE. I don't believe the colonel has a topcoat on, sir.

Senator MUNDT. Turn it around. And I am all wrong, if that is correct.

It is your coat that I am talking about and not the colonel's.

Is it possible to see the bottom of your coat in the big picture?

Private SCHINE. Yes, sir, in the big picture it is possible to see the bottom of my coat.

Senator MUNDT. Will you look at the small picture and see whether it is possible to see the bottom of the coat?

Private SCHINE. It is not possible to see the bottom of the coat in the small picture, sir.

Senator MUNDT. Will you look at the picture of Secretary Stevens, on the big picture?

Private SCHINE. Yes, sir.

Senator MUNDT. In the big picture, is it possible to see the bottom of the topcoat that Secretary Stevens has in his arm, showing a considerable—

Private SCHINE. It is, sir.

Senator MUNDT. Look at the small one. Is it possible there to see the bottom of Secretary Stevens coat?

Private SCHINE. It is not possible, sir.

Senator MUNDT. Which would certainly indicate that either one of two things must have taken place, either there are two different prints involved, or else through some kind of photographic maneuvering with which this chairman is not familiar, it apparently was possible to contract the bottom of the picture without contracting the top of the picture. Because at the top of the picture, had it been pulled down correspondingly, you would have pretty well decapitated the witnesses who showed up in the picture.

Private SCHINE. Yes, sir.

Senator MUNDT. I just wanted to have that in the record. And I wanted Mr. Welch to have that because no one had called attention to those two discrepancies prior to that time. I have no further questions.

Senator McClellan?

Senator McCLELLAN. Mr. Chairman, in view of this statement, that the witness has made, that he would like to seek the advice of counsel, as to whether he should have counsel—

Senator MUNDT. Go ahead, Senator McClellan.

Senator JACKSON. A point of order, Mr. Chairman!

Senator MUNDT. Whatever it is, it will be overruled.

Senator JACKSON. I am wondering how the photographers are going to get out of this one. They not only have been standing up in front but now they stand up in front and push the water on the chairman.

Senator MUNDT. It is just one of the occupational hazards.

Go ahead, Senator McClellan.

Senator McCLELLAN. Mr. Schine, I was saying to you, when this accident occurred—I trust it is an accident—I was saying to you that I would not, in view of the statement you have made that you would like to consult with counsel to ascertain whether you need or shall want counsel with you, and in view of that, and in an effort to further

expedite these hearings, I shall not ask any further questions at this time.

Private SCHINE. I am prepared to answer any questions about the photograph taken at McGuire Air Force Base.

Senator McCLELLAN. Well, I am interested in the questions I asked you first, about your interest in a photograph and whether it was this photograph or not, on another occasion.

Private SCHINE. As I testified, sir, they were different photographs.

Senator McCLELLAN. I understand you have, but I do not want to interrogate you further, if you feel that you would like to consult with counsel before you proceed.

Mr. WELCH. Mr. Chairman——

Senator MUNDT. Mr. Welch has a point of order.

Mr. WELCH. I am in a familiar role as I look at the clock. We are 1 hour overtime, and this witness is a young private in the Army. I am old enough to know that it would be wise for him to consult with counsel, as he suggested, purely on the preliminary question of "Do I need counsel." I do not like to see a young private in the Army try to decide questions of that importance on his own behalf, and I think, sir, we should adjourn.

Senator McCLELLAN. Mr. Chairman, I was not going to ask the private any further questions if he feels at all that he should consult with counsel or with friends as to whether he should have counsel.

Private SCHINE. May I ask a question of the Chair, sir?

Senator JACKSON. Mr. Chairman, I think the record should disclose that at the outset, Private Schine was advised of the right of counsel, and I quite agree, and he was good enough to say that he thought he could go ahead without it, and I think that in the light of all the circumstances, there should not be any further questions until he has had the right to give this matter further consideration as to whether he would like to have counsel.

I may say that I was the one who suggested to the chairman that that question be made clear to him, at the outset.

Senator McCLELLAN. Mr. Chairman, I am not certain that this picture has been made an exhibit to the witness' testimony, and this is the picture that he says was present the night of the conference he had or the visit he had with staff members in the restaurant, what is the name of it?

Private SCHINE. The Colony Restaurant.

Senator McCLELLAN. If it has not been, I ask that it be now made an exhibit to his testimony.

Private SCHINE. May I ask a question of the Chair?

Senator MUNDT. You may.

Private SCHINE. Since I am in the Army——

Senator MUNDT. To deal with the question of the picture?

Private SCHINE. No, sir, it deals with the question of counsel.

Senator MUNDT. The Chair will admit the exhibit, and include it in the testimony and now listen to your question.

(The photograph referred to above was marked as "Exhibit No. 5" and will be found in the files of the subcommittee.)

Private SCHINE. Since I am in the Army, sir, and since Mr. Welch is the counselor for the Army, sir, does that automatically make him one of my counselors?

Senator MUNDT. I believe not. Do any of the subcommittee members have further questions, or is it the wish of the subcommittee that

we recess at this time? At the left we hear calls for recess; and how about the gentlemen at the right?

Senator SYMINGTON. I think it is in order——

Senator MUNDT. It has been suggested, and I think it is quite proper, that during the course of the evening, Private Schine, you consult with your counsel and determine when you return whether you desire to have counsel or not.

Private SCHINE. I must say, sir, that I have absolutely no counsel, sir, and I don't know whether I can therefore consult with counsel this evening; but I shall try to, as quickly as possible, find out from some counsel whether I should have counsel at these proceedings.

Senator MUNDT. We will stand in recess until 10:30 tomorrow morning.

(Whereupon, at 5:30 p. m. the hearing was recessed until 10:30 a. m., Friday, April 30, 1954.)

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